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THE LAW OFFICES OF
ANDREW D. FORTNEY, PH.D., P.C.
215 W. FALLBROOK AVENUE
SUITE 203
FRESNO CA 93711

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of	:	
SUTARDJA, et al	:	
Application No. 12/916,874	:	DECISION ON PETITION
Filed: November 1, 2010	:	TO WITHDRAW
Attorney Docket No. MP1142.C1	:	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 May 16, 2011.

The request is **NOT APPROVED.**

The request to withdraw from record cannot be approved because the change of correspondence address is not that of an assignee who has properly intervened. The Office will either change the correspondence address of record to the most current address information provided for an assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *"An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement incompliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee."*

Further, the Request to Withdraw the Attorneys cannot be approved because the attorneys were not initially appointed through use of registration numbers, as indicated on the Request, the attorneys were appointed by use of a Customer Number. Petitioner should assure any future submissions to withdraw include the same method by which the attorneys were initially appointed in order to expedite the review and processing in the Office.

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

cc: MARVELL SEMICONDUCTOR, INC.
5488 MARVELL LANE
SANTA CLARA CA 95054

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.:	12/916,883	First Named Inventor:	Saso Stojanovski
Filing Date:	November 1, 2010	Attorney Docket No.:	001401-5010
Title of the Invention:	CORRELATION ID FOR LOCAL IP ACCESS		

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: WO 2011/053039 A2

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

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 _____

(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 _____

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

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

(continued)

Application No.:	12/916,883	First Named Inventor:	Saso Stojanovski

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence

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

Signature / Rachael Lea Leventhal /	Date April 9, 2012
Name (Print/Typed) Rachael Lea Leventhal	Registration Number 54,266

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)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No.:	12/916,883	First Named Inventor:	Saso Stojanovski
Filing Date:	November 1, 2010	Attorney Docket No.:	001401-5010
Title of the Invention:	CORRELATION ID FOR LOCAL IP ACCESS		

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: WO 2011/053039 A2

The international filing date of the corresponding PCT application(s) is/are: October 29, 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.

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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 _____

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

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PTO/SB/20PCT-KR (06-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/916,883	First Named Inventor:	Saso Stojanovski

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1-17	1-17	Claims amended to be the same.

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

Signature / Rachael Lea Leventhal /	Date April 11, 2012
Name (Print/Typed) Rachael Lea Leventhal	Registration Number 54,266

Privacy Act Statement

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

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1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
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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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FEB 07 2012

OFFICE OF PETITIONS

BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON TX 77208-1389

In re Patent No. 8,062,413 :
Issue Date: November 22, 2011 :
Application No. 12/917,043 : ON PETITION
Filed: November 1, 2010 :
Attorney Docket No. 004159.001069 :

This is a decision on the petition filed January 20, 2012, under 37 CFR 3.81(b)[1] to add the assignee's name on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] See Official Gazette of June 22, 2004

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: 238905-1	Application Number (if known): 12/917,051	Filing date: 11-01-2010

First Named Inventor: John Joseph Roetker

Title: PUMP DRAINED SOLAR WATER HEATING SYSTEM

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Allison W. Mages/	Date 12/14/11
Name (Print/Typed) Allison W. Mages	Registration Number 57,275

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

☐ *Total of _____ forms are submitted.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: John Joseph Roetker	)
Confirmation No.: 1737	)
	)
Serial No.: 12/917,051	)
	)
Filing Date: 11-01-2010	)
	)
Atty Docket No.: 238905-1	)

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

Statement Concerning the Basis for the Special Status

SIR:

Solar water heating systems are made up of components that collect solar energy, transfer the energy to the potable water via a heat exchanger, store the thermal energy, control system operations, deliver hot water where it is needed, and protect the system against freezing. Components can be combined in a variety of ways, but these six basic functions must be met, although some systems are simple enough that passive physics provide the control and motive forces to drive the fluids and heat transfer in the system. (See [0001]).

One simple configuration of solar water heater is a solar batch heater. The system consists of a south facing, roof-mounted tank enclosed in an insulated box covered with glass. Cold water is supplied to the bottom of the tank. When the water is heated by the sun, it rises to the top of the tank. The heated water is removed from a port located at the tank top. The mains supply water pressure is used to push the hot water from the tank as the cold is supplied

to the bottom. The system is a direct passive system, meaning the potable water is heated directly and no water circulation is directed beyond that which is created by the thermal density driven gradient. Because of its relatively low cost and simplicity, the solar batch heater configuration works well for those living in moderate climates with good sunshine available. (See [0003]).

Another relatively simple, passive solar water heater system is the thermosyphon system in which the water tank is located directly above the collector. Thermosyphon systems work on the principal of heat rising. In a direct system, the potable water enters the bottom of the collector and rises to the tank as it warms. The insulated tank at the top of the system stores the water prior to usage. In colder climates, an antifreeze solution, such as propylene glycol, is used in an indirect closed solar loop, which uses a heat exchanger to pass energy to the potable water. Since water is supplied directly to the roof mounted storage tank, design provisions must be made to avoid freezing of the exposed mains supply in the attic and roof. (See [0004]).

A third solar water heating system is an active, direct system. This system is typically used in tropical settings where freezing never occurs. A solar storage tank is combined with a solar thermal collector. A pump is used to circulate the potable water through the collector and to the storage tank which serves as a preheat tank for a separate, existing water heater which includes an auxiliary heater for supplemental heating. (See [0005]).

Another solar water heating system is an indirect, active system, which uses a pressurized heat transfer fluid to heat the potable water. In this system,

incoming potable water is routed to the storage tank. Heat transfer fluid circulates from the collectors through a heat exchanger at the storage tank, and then is actively pumped back through the collectors. The potable water is heated via the heat exchanger at the storage tank. Supplemental heaters are provided in the storage tank or the storage tank serves as a preheat for an existing water heater. (See [0006]).

Still another solar water heating system is an indirect, active drainback system. The heat transfer fluid is typically distilled water. When the system is not pumping, the solar collector is empty and the distilled water is stored in an appropriately sized reservoir tank located just above the storage tank. When the pump turns on, the distilled water is circulated from the reservoir back through the collector and heat exchanger, passing heat to the potable water in the storage tank. When the pump shuts off again, the distilled water drains back into the reservoir. As a result, a collector must always be higher than the storage tank, and there must be sufficient continuous slope in the piping to ensure complete drainage and prevent freezing of the heat transfer fluid. (See [0007]).

A problem with the drainback system is it requires the fluid line to be configured to allow complete drainage due to gravity only. This configuration requires the installer to mount all plumbing so as to avoid trapping of any fluid which would potentially freeze and rupture the plumbing. Another problem with this drainback system is that larger pumps usually have to be used, especially if water is being pumped up two stories or more, since the drainback pump has to lift the distilled water to the height of the solar collector. (See [0008]).

Thus, it is desirable to develop a new and improved indirect active system for a solar water heater, which overcomes the above-mentioned deficiencies and others while providing better and more advantageous overall results. (See [0009]).

A solar water heating system according to an embodiment of the claimed invention generally comprises a solar collector panel in fluid communication with a heat exchanger which is in thermal communication with the water storage tank. A reversible pump is used to circulate the heat transfer fluid between the heat exchanger and the solar collector panel. Under normal operation, the heat transfer fluid is circulated in a first direction filling the system and transferring heat energy from the collector to the water storage tank via the heat exchanger. When conditions warrant, such as for example to avoid freezing or overheating of the fluid, the pump reverses the flow to remove the heat transfer fluid from the collector to a storage reservoir. (See [0010]).

In one aspect, the solar water heating system includes: an insulated water storage tank for storing the water to be heated, a solar collector, a reversible pump, a reservoir for storing heat transfer fluid, and a heat exchanger in thermal communication with the storage tank for transferring the thermal energy from the heat transfer fluid to the water in the tank. Piping is provided for connecting the pump, the collector, the heat transfer fluid reservoir, and the heat exchanger in fluid communication. A controller is further provided for operating the pump to transmit fluid in a forward flow direction for heating the water and in a reverse flow direction for draining the fluid from the collector to the reservoir. In one

embodiment, the controller senses certain system temperatures and selectively operates the pump in the forward flow or reverse flow direction as a function of the sensed temperatures. (See [0012]).

Accordingly, Applicant respectfully submits that Special Status is sought on the basis that the embodiments disclosed herein materially contribute to the more efficient utilization and conservation of energy resources and materially contribute to the discovery or development of renewable energy resources. Said embodiments reduce reliance on conventional energy resources (e.g. gas, oil and electricity) in water heating applications and encourage further development of solar driven systems by making solar systems a more viable option in water heating applications.

The undersigned representative may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W. Mages/
Allison W. Mages
Reg. No. 57,275

Dated: December 14, 2011

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6730

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.
12/917,051	11/01/2010	John Joseph Roetker	238905 (GECZ 201028US01)	1737

27885 7590 12/21/2011

FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115

EXAMINER	
ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
12/21/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

In re Application of :
JOHN JOSEPH ROETKER : DECISION ON PETITION
Application No. 12/917051 : TO MAKE SPECIAL UNDER
Filed: November 1, 2010 : THE GREEN TECHNOLOGY
Attorney Docket No. : PILOT PROGRAM
238905 (GECZ 201028US01)

This is a decision on the petition under 37 CFR 1.102, filed Dec 14, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Henry Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry Yuen/

Henry Yuen
Quality Assurance Specialist
Technology Center 3700

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

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: FMC 2846 (8104825))	Application Number (if known): 12/917,068	Filing date: November 1, 2010
First Named Inventor: Michael Jon Veenstra		
Title: VEHICLE FUEL STORAGE SYSTEM		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: Statement to Make Special

Signature /Erin K. Bowles/	Date 2011-03-04
Name (Print/Typed) Erin K. Bowles	Registration Number 64,705

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.

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.

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,068	11/01/2010	Michael Jon Veenstra	81204825	1776

28395 7590 03/18/2011
BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER	
ART UNIT	PAPER NUMBER
3612	

MAIL DATE	DELIVERY MODE
03/18/2011	PAPER

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

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAR 1 8 2011

BROOKS KUSHMAN P.C./FGTL/DSB
1000 Town Center
Twenty-Second Floor
Southfield MI 48075

In re Application of	:	
Michael VEENSTRA	:	DECISION ON PETITION
Application No. 12/917,068	:	TO MAKE SPECIAL UNDER
Filed: November 1, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204825	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 4, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item 4.

In regard to item 4, petitioner's assertion of the claimed fuel tank's contributions to the more efficient utilization and conservation of energy resources, or the reduction of greenhouse gas emissions is speculative at best. There is no evidence in the application to show the fuel tank's contribution with the more efficient utilization of energy resources. Regardless of what type of fuel is used in a vehicle, the fuel tank is merely a storage receptacle. The claimed fuel tank, in and by itself, is not capable of conserving energy or reducing greenhouse gas emissions. Even though hydrogen fuel may be considered a renewable or green energy source; however, it does not make a fuel tank that stores hydrogen fuel a green technology. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3612 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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

PTO/SB/420 (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: 8736.404.00	Application Number (if known): 12/917,122	Filing date: November 1, 2010

First Named Inventor: Goohwan SHIM

Title: SOLAR CELL AND METHOD FOR MANUFACTURING THE SAME

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature	Date December 10, 2010
Name (Print/Typed) Michael P. Alexander	Registration Number 50,961

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 9 forms are submitted.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,122	11/01/2010	Goohwan Shim	8736.404.00	1896

30827 7590 12/22/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
ART UNIT	PAPER NUMBER
1725	

MAIL DATE	DELIVERY MODE
12/22/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

DEC 22 2010

In re Application of :
Goohwan Shim et al. : DECISION ON PETITION
Application No. 12/917,122 : TO MAKE SPECIAL UNDER
Filed: November 01, 2010 : THE GREEN TECHNOLOGY
Attorney Docket No. 8736.404.00 : PILOT PROGRAM

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

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 17, 2012

TO SPE OF : ART UNIT 3662 SPE. Behrang Badii

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/917174 Patent No.: 8,108,092 B2

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 Building
2800 South Randolph Street
Arlington, VA 22206

Should the Abstract be replaced as requested by applicant?
See COCIN dated 4-6-2012

Antonio Johnson

Certificates of Correction Branch
(571)272-0483 Fax – (571)270-9846

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: _____

_____

_____

_____ ____ **SPE /Behrang Badii/** **Art Unit** ___3662_____

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FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

MAILED
JUL 07 2011
OFFICE OF PETITIONS

In re Application of:	:	
Rose et al.	:	DECISION GRANTING
Application No. 12/917207	:	PETITION UNDER
Filing or 371(c) Date: 11/01/2010	:	37 CFR 1.47(a)
Title of Invention:	:	
APPARATUS AND PROCESS FOR	:	
TEMPERING CHOCOLATE	:	

This is in response to the Petition Under 37 CFR §§ 1.47(a) & (b) for Filing Application on Behalf of Non-Signing Inventor, filed May 16, 2011, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor. The petition is properly treated under 37 CFR 1.47(a).

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Mehran Rose, refuses to join in the above-identified application.

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

The application file is being referred to Technology Center Art Unit 1782 for examination in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MR. MEHRAN ROSE
HAGENBUTTENWEG 2
HOHENBRUNN 85662
GERMANY

MAILED

JUL 07 2011

OFFICE OF PETITIONS

In re Application of:	:	
Rose et al.	:	LETTER
Application No. 12/917207	:	
Filing or 371(c) Date: 11/01/2010	:	
Title of Invention:	:	
APPARATUS AND PROCESS FOR	:	
TEMPERING CHOCOLATE	:	

Dear Mr. Rose:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/DLW/

Derek L. Woods
Attorney
Office of Petitions

CC: FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

MAILED
NOV 17 2011
OFFICE OF PETITIONS

Applicant: Toru Maeda, et al.
Appl. No.: 12/917,243
Filing Date: November 1, 2010
Title: SOFT MAGNETIC MATERIAL AND DUST CORE
Attorney Docket No.: 17368/008002
Pub. No.: US 20110045174 A1
Pub. Date: February 24, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 29, 2011 (Certificate of Mailing Date April 25, 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 wherein the priority data was not published.

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 priority data. The original specification was published, but the preliminary amendment adding the priority data was not. Therefore, since the omitted paragraph adding the priority data was presented in an amendment, the Office will consider this **not** to be an Office error. See MPEP 1130B.

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

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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SMITH-ROOT, INC.
14014 NE SALON CREEK AVENUE
VANCOUVER, WA 98686

MAILED

DEC 2 0 2010

OFFICE OF PETITIONS

In re Application of :
John Parkin :
Application No. 12/917,274 : DECISION ON PETITION
Filed: November 1, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. SRI 2.004.US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 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 applicant's representative that he is in possession of proof of applicant's age. 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 forwarded back to the Office of Patent Application Processing for pre-examination processing of the reply received December 15, 2010. This application will be accorded "special" status once pre-examination processing is complete.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,298	11/01/2010	Peter Dale	100666	1234

26285 7590 01/31/2011

K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH, PA 15222-2613

EXAMINER	
ART UNIT	PAPER NUMBER
3724	

MAIL DATE	DELIVERY MODE
01/31/2011	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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K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH PA 15222-2613

In re Application of:
DALE, PETER
Serial No. 12/917,298
Filed: Nov. 1, 2010
Docket: 100666
Title: LOG REST

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed January 26, 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 CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO 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 CIPO 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 CIPO 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 CIPO examiner in the CIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

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.

The application is currently undergoing the pre-examination processing. Upon completion, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Petition 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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Paper No.

Rutan & Tucker, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

MAILED

APR 22 2011

OFFICE OF PETITIONS

In re Application of :
Randall Bird :
Application No. 12/917,302 : ON PETITION
Deposited: November 1, 2010 :
Attorney Docket No. 021404-0015P2 :

This is a decision on the paper styled "PETITION FOR UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY UNDER 37 CFR § 1.57" filed December 17, 2010.

This petition is properly treated as a request that the above-identified application be accorded a filing date of November 1, 2010, pursuant to 37 CFR 1.57(a). 37 CFR 1.57 provides for according of a filing date based on omitted items necessary for a filing date being considered filed in an application based on a claim for priority present in the application on filing.

This petition is not treated as a petition to accept an unintentionally delayed claim for priority under 37 CFR 1.78. As acknowledged by petitioner, the referenced claim for priority as a continuation of application No. 11/366,310 was timely submitted by way of identification in an application data sheet supplied on deposit of the application. No delayed claim for priority is submitted (and no surcharge for submission of a delayed claim is submitted).

The petition under 37 CFR 1.57 is **DISMISSED**.

Application papers in the above-identified application were deposited on November 1, 2010. On November 17, 2010, the Office of Patent Application Processing mailed a "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" stating that the application had not been accorded a filing date because the application was

deposited without a complete specification as prescribed by 35 U.S.C. 112.

In response, the present petition was timely filed. Applicants petition to be accorded a filing date of November 1, 2010, pursuant to 37 CFR 1.57(a).

ON PETITION UNDER 1.57(a)

It is undisputed that the application as filed did not include a specification. Thus, the application as filed is not entitled to a filing date.

Petitioner states that the specification was omitted, and submits this petition along with a preliminary amendment. However, the preliminary amendment does not add the omitted material pursuant to 37 CFR 1.57(a). Rather, the preliminary amendment only amends the specification to include the priority claim. Further, petitioner asserts that this application is a continuation application and that the missing specification is not necessary under 37 CFR 1.57(a).

Petitioner has misapplied 37 CFR 1.57(a). 37 CFR § 1.57 provides that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the

application, whichever occurs earlier. The applicant is also required to:

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

...

(3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

The instant application was filed after September 21, 2004, and thus, the provisions of 37 CFR 1.57(a) are applicable. A review of the application confirms that present on the filing date of the application was an application data sheet with a proper claim under § 1.78 for the benefit of priority to prior-filed application No. 11/366,310. Thus, pursuant to 37 CFR 1.57(a), the portion of the specification that was inadvertently omitted and that is completely contained in prior-filed application No. 11/366,310 shall be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s) upon compliance with the requirements of the rule.

Petitioner has not met the requirements of the rule. In this instance, petitioner states that the specification was omitted, but does not state that it was inadvertently omitted. Further, petitioner submits an amendment to add a priority claim, but not an amendment to add the omitted material. As stated in the MPEP, there is no requirement for applicant to submit a declaration stating that the omission was inadvertent or to submit proof that a particular omission was inadvertent at the time of filing of the application. If applicant submits an amendment to add the omitted material pursuant to 37 CFR

1.57(a), it would constitute a certification under 37 CFR 10.18(b) that the omission was inadvertent. The Office, however, may inquire as to inadvertence where the record raises such issue. See MPEP 201.17. As the amendment submitted does not add the omitted material, its' submission does not constitute a certification under 37 CFR 10.18(b) that the omission was inadvertent. Thus, having neither made the statement nor submitted the amendment, petitioner has not meet the requirement that the omission be inadvertent.

Further, petitioner does not state that the specification was completely contained in the prior application.

Most importantly, petitioner does not amend the application to include the inadvertently omitted specification. Under 37 CFR 1.57(a), a specification is still necessary. In fact, under this rule, as set forth above, the application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application.

In view thereof, the petition is dismissed.

Receipt of the petition fee of $400 is acknowledged.

The application remains without a filing date.

Telephone inquiries related to this decision may be directed to Nancy Johnson, Senior Petitions Attorney at (571) 272-3219.

Chris Bottorff
Petitions Examiner
Office of Petitions

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Paper No.

Rutan & Tucker, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

MAILED

AUG 26 2011

OFFICE OF PETITIONS

In re Application of :
Randall Bird :
Application No. 12/917,302 : ON PETITION
Deposited: November 1, 2010 :
Attorney Docket No. 021404-0015P2 :

This is a decision on the "PETITION FOR INCORPORATION BY REFERENCE UNDER 37 CFR § 1.57(A)" filed August 16, 2011, requesting that the above-identified application be accorded a filing date of November 1, 2010.

The petition under 37 CFR 1.57 is **GRANTED**.

Application papers in the above-identified application were deposited on November 1, 2010. On November 17, 2010, the Office of Patent Application Processing mailed a "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" stating that the application had not been accorded a filing date because the application was deposited without a complete specification as prescribed by 35 U.S.C. 112.

By decision mailed April 22, 2011, an earlier "PETITION FOR UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY UNDER 37 CFR § 1.57" filed December 17, 2010 was dismissed. The petition did not meet the requirements of 37 CFR 1.57(a). Petitioner did not 1) provide a copy of the omitted specification, 2) certify that the omission was inadvertent, 3) state that the specification was completely contained in the prior application, or 4) amend the application to include the inadvertently omitted specification.

On instant renewed petition, petitioner submits a substitute specification and states that the specification was inadvertently omitted at the time of filing on November 1, 2010.

A comparison of the parent application and this application supports a conclusion that the substitute specification is completely contained in the prior application.

The instant petition meets the requirements of 1.57(a).

Thus, pursuant to 1.57, the application as filed is considered to have incorporated by reference the prior-filed application as to the inadvertently omitted specification.

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

The application is being forwarded to the Office of Patent Application Processing for **according of a filing date of November 1, 2010**, as a continuation under 37 CFR 1.53(b) of prior application No. 11/366,310, including the substitute specification supplied on August 16, 2011. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision may be directed to Nancy Johnson, Senior Petitions Attorney at (571) 272-3219.

Chris Bottorff
Petitions Examiner
Office of Petitions

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Paper No.

Rutan & Tucker, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

MAILED
OCT 12 2011
OFFICE OF PETITIONS

In re Application of :
Randall Bird :
Application No. 12/917,302 : ON PETITION
Filed: November 1, 2010 :
Attorney Docket No. 021404-0015P2 :

This is a decision on the paper styled "PETITION FOR INCORPORATION BY REFERENCE UNDER 37 CFR §1.57(A)" filed October 5, 2011. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

To the extent the instant petition requests a filing date of November 1, 2010 with no drawings present in the application, the petition is **GRANTED**.

BACKGROUND

Application papers in the above-identified application were deposited on November 1, 2010. On November 17, 2010, the Office of Patent Application Processing mailed a first "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" stating that the application had not been accorded a filing date because the application was deposited without a complete specification as prescribed by 35 U.S.C. 112.

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

By decision mailed April 22, 2011, a first petition to accord a filing date filed December 17, 2010 was dismissed for failure to meet the requirements of 37 CFR 1.57(a)(1). In response, on August 16, 2011, applicant filed the amendment (and the omitted specification) required by rule 57, amending the application to include the inadvertently omitted specification. By decision mailed August 26, 2011, the petition was granted. The decision forwarded the application to the Office of Patent Application Processing for according of a filing date of November 1, 2010.

However, by "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" mailed September 16, 2011, applicant was advised that the application had not been accorded a filing date because the application was deposited without drawings. In response, applicant promptly filed the instant petition.

OPINION

The specification as filed on petition filed August 16, 2011 referred to drawings, but did not include drawing figures. Nonetheless, by decision mailed August 26, 2011, the application was accorded a filing date of November 1, 2010. On decision on petition, it was controlling that the application contained at least one method claim and thus, was entitled to a filing date. As stated in MPEP 601.01(f):

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

However, the decision on petition[2] should have not only accorded the application a filing date, but also given applicant notice of the omission of the drawings and advised applicant to file a further amendment directed to the examiner to amend the application to include the drawings (or directed to the Office

[2] Likewise, on September 16, 2011, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application.

of Patent Application Processing to amend the specification to delete reference to the drawings). As stated in MPEP 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). The amendment should be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

No petition is required to take action as quoted above from MPEP 601.01(g). Any amendment to include the inadvertently omitted drawings will be considered by the examiner.

CONCLUSION

To the extent the instant petition requests a filing date of November 1, 2010 with no drawings present in the application, the petition is granted.

The petition includes the omitted drawings. However, the petition does not include a separate amendment submitting the omitted drawings.

Given the basis for granting this petition, the petition fee of $400 submitted on instant petition is being refunded. Further, a review of the finance records shows that applicant was previously charged $400 in association with the renewed petition filed August 16, 2011. However, no fee was required on renewed petition. Accordingly, the $400 submitted on renewed petition is also being refunded.

The Office of Patent Application Processing has been advised of this decision. Pursuant to this decision, the application has

been referred to the Office of Patent Application Processing for:

- **correction of the filing date to November 1, 2010;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing;** and
- **for issuance of a filing receipt.**

It is again noted that no amendment to enter the omitted drawings has been filed. As a filing date has been accorded this application, entry of any amendment will be determined by the examiner. In this regard, it is noted that the requirements of 37 CFR 1.57(a) have otherwise been met, except the drawings are not labeled "replacement sheets." An amendment to enter drawings properly incorporated by reference pursuant to 37 CFR 1.57(a) does not raise a new matter issue with respect to those drawings.

Telephone inquiries related to this decision may be directed to Nancy Johnson, Senior Petitions Attorney at (571) 272-3219.

Chris Bottorff
Petitions Examiner
Office of Petitions

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Rutan & Tucker, LLP.
611 ANTON BLVD
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COSTA MESA CA 92626

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FEB 27 2012

OFFICE OF PETITIONS

In re Application of
Randall R. Bird
Application No. 12/917,302
Filed: November 1, 2010
Attorney Docket No. 021404-0015P2

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 10, 2012.

The request is **not approved.**

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Hani Z. Sayed, and attorneys/agents associated with customer number 34284, do not have power of attorney, but has acted in a representative capacity in this patent application. See 37 C.F.R. § 10.40.

Since no forwarding address was provided, the address of record will remain the same, until further notified. Applicant may file a change of correspondence address if desired, using Form No. PTO/SB/122.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4618

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/917,306	11/01/2010	Peter Dale	100667	1252

26285 7590 01/31/2011

K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH, PA 15222-2613

EXAMINER	
ART UNIT	PAPER NUMBER
3724	

MAIL DATE	DELIVERY MODE
01/31/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH PA 15222-2613

In re Application of: DALE, PETER Serial No. 12/917,306 Filed: Nov. 1, 2010 Docket: 100667 Title: SELF LOCKING ADJUSTABLE BLADE GUIDE FOR BAND SAW	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed January 26, 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 CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO 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 CIPO 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 CIPO 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 CIPO examiner in the CIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

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 at 571-272-4502.

This application is currently undergoing pre-examination processing. Upon completion, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Petition Granted.

/Henry C. Yuen/

_____

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

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

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: PTE-P-101-1P	Application Number (if known): 12/917,319	Filing date: November 1, 2010
First Named Inventor: Louis Lerman		
Title: Solid State Bidirectional Light Sheet for General Illumination		

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: Description of why invention qualifies under program by conserving energy

Signature /Brian D Ogonowsky/	Date November 18, 2010
Name (Print/Typed) Brian D. Ogonowsky	Registration Number 31,988

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

☐ *Total of 1 forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Louis Lerman, Allan Brent York, Michael David Henry, Robert Steele, Brian D. Ogonowsky		
Assignee:	Quarkstar, LLC		
Title:	Solid State Bidirectional Light Sheet for General Illumination		
Serial No.:	12/917,319	Filing Date:	November 1, 2010
Examiner:	Not yet assigned	Group Art Unit:	Not yet assigned
Docket No.:	PTE-P-101-1P	Confirmation No.:	1273

San Jose, California
November 18, 2010

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 23313-1450

PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PILOT PROGRAM

Dear Commissioner:

A completed form PTO/SB/420 is enclosed herewith requesting that the above-identified application be accepted for the Green Technology Pilot Program for accelerated examination. The below statement provides the additional information requested to qualify for the Program.

The application is a regular utility application filed under 35 USC 111(a).

The application contains three or fewer independent claims and 20 or fewer total claims. The application contains no multiple dependent claims.

Applicants request early publication under 37 CFR 1.219, and the publication fee accompanies this request.

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(408) 382-0480
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The patent application relates to a solid state light sheet, containing many LEDs, that replaces the standard 2x4 foot fluorescent fixtures found in almost every office building. The yearly market for such light sheets in the United States is well in excess of a billion units.

The inventors have invented the first practical light sheet that is cost-effective enough to be a viable replacement for the standard 2x4 foot fluorescent fixtures. The increased energy efficiency of the light sheets is part of the cost-effectiveness calculation. Furthermore, fluorescent lamps contain mercury, which requires special disposal procedures that add to the energy costs. As described below, the total energy savings by companies in America using the light sheet are extremely high.

The LED light sheet described in the application is designed to replace complete 2 x 4 foot linear fluorescent troffers rather than individual lamps. Troffers are much less efficient than individual lamps because of internal optical losses. Thus, for example, the US Department of Energy's (DOE) CALiPER program, which tests and evaluates LED lighting products as well as conventional products, reported in its benchmark test of a state-of-the-art commercial 2 x 4 foot fixture containing two T8 fluorescent lamps that it had an overall luminous efficacy of 63 lumens per watt (lm/W), whereas the high-performance T8 lamps used in the troffer had luminous efficacies of 96 lm/W. The average lamp and troffer efficacies of the installed base of fluorescent lighting products in commercial facilities is estimated to be much lower (see below)

An analysis of the LED light sheet described in the application shows that it has a design luminous efficacy of greater than 70 lm/W, more than 10% above the DOE benchmark state-of-the-art troffer, using current generation LED chips and phosphors. This is a conservative estimate, as white LED performance has increased by more than a factor of six over the past decade, and continued progress is projected for the future.

LED lighting has the potential to dramatically reduce energy consumption in the United States due to its much higher efficiency with respect to conventional light sources such as incandescent, halogen and compact fluorescent lamps. A study commissioned by DOE in 2009 (Navigant Consulting, February 2010) estimated that demand for fluorescent lighting in commercial applications in 2010 is approximately 22,000 teralumen-hours (2.2 x 10^{16} lumen-hours), with projected growth to approximately 25,000 teralumen-hours in 2020. Average fluorescent lamp efficacy is estimated by the study at 71 lm/W in 2010, increasing to 75 lm/W in 2020. Assuming an average troffer efficiency of 75% (ranges from 65% in the DOE CALiPER test noted above to 85% for high-efficiency T5 troffers), the average efficacy

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for fluorescent troffers would be 53 lm/W in 2010 and 56 lm/W in 2020. Based on DOE estimates of efficacy improvements in white LEDs between 2010 and 2020, the luminous efficacy of the LED lightsheet should reach113 lm/W by 2015, and 153 lm/W by 2020.

Assuming a projected demand for commercial fluorescent-type lighting of 25,000 teralumen-hours in 2020, a market penetration of 20% of the installed base of fluorescent troffers by LED light sheets in that year would result in a reduction of electricity demand of 52 terawatt-hours per year. This is the amount of electricity produced annually by eight 1,000-MW power plants. The reduction in primary energy (coal, oil, gas, etc.) consumption would be 0.56 quads (0.56×10^{15} Btu) in 2020.

If there are any questions, please call the undersigned at (408) 382-0480 ex202.

Certificate of Electronic Transmission

I hereby certify that this correspondence is being submitted electronically to the United States Patent and Trademark Office on the date shown below.

/Brian D Ogonowsky/	November 18, 2010
Attorney for Applicant(s)	Date

Respectfully submitted,

/Brian D Ogonowsky/

Brian D Ogonowsky
Attorney for Applicant(s)
Reg. No. 31,988

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,319	11/01/2010	Louis Lerman	PTE-P-101-1P	1273

32566 7590 12/08/2010

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SUITE 223
SAN JOSE, CA 95134

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 223
SAN JOSE CA 95134

In re Application of	:	
LERMAN et al.	:	DECISION ON PETITION
Application No. 12/917,319	:	TO MAKE SPECIAL UNDER
Filed: November 01, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. PTE-P-101-1P	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 18, 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 2811 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: PTE-P-102	Application Number (if known): 12/917,327	Filing date: November 1, 2010
First Named Inventor: Wilson Dau		
Title: Solid State Bidirectional Light Sheet Having Vertical Orientation		

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: Description of why invention qualifies under program by conserving energy

Signature /Brian D Ogonowsky/	Date November 18, 2010
Name (Print/Typed) Brian D. Ogonowsky	Registration Number 31,988

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

☐ *Total of 1 forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Wilson Dau, Louis Lerman, Allan Brent York		
Assignee:	Quarkstar, LLC		
Title:	Solid State Bidirectional Light Sheet Having Vertical Orientation		
Serial No.:	12/917,327	Filing Date:	November 1, 2010
Examiner:	Not yet assigned	Group Art Unit:	Not yet assigned
Docket No.:	PTE-P-102	Confirmation No.:	1471

San Jose, California
November 18, 2010

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 23313-1450

PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PILOT PROGRAM

Dear Commissioner:

A completed form PTO/SB/420 is enclosed herewith requesting that the above-identified application be accepted for the Green Technology Pilot Program for accelerated examination. The below statement provides the additional information requested to qualify for the Program.

The application is a regular utility application filed under 35 USC 111(a).

The application contains three or fewer independent claims and 20 or fewer total claims. The application contains no multiple dependent claims.

Applicants request early publication under 37 CFR 1.219, and the publication fee accompanies this request.

The patent application relates to a solid state light sheet, containing many LEDs, that replaces the standard 2x4 foot fluorescent fixtures found in almost every office building. The yearly market for such light sheets in the United States is well in excess of a billion units. The inventors have invented the first practical light sheet that is cost-effective enough to be a

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viable replacement for the standard 2x4 foot fluorescent fixtures. The increased energy efficiency of the light sheets is part of the cost-effectiveness calculation. Furthermore, fluorescent lamps contain mercury, which requires special disposal procedures that add to the energy costs. As described below, the total energy savings by companies in America using the light sheet are extremely high.

The LED light sheet described in the application is designed to replace complete 2 x 4 foot linear fluorescent troffers rather than individual lamps. Troffers are much less efficient than individual lamps because of internal optical losses. Thus, for example, the US Department of Energy's (DOE) CALiPER program, which tests and evaluates LED lighting products as well as conventional products, reported in its benchmark test of a state-of-the-art commercial 2 x 4 foot fixture containing two T8 fluorescent lamps that it had an overall luminous efficacy of 63 lumens per watt (lm/W), whereas the high-performance T8 lamps used in the troffer had luminous efficacies of 96 lm/W. The average lamp and troffer efficacies of the installed base of fluorescent lighting products in commercial facilities is estimated to be much lower (see below)

An analysis of the LED light sheet described in the application shows that it has a design luminous efficacy of greater than 70 lm/W, more than 10% above the DOE benchmark state-of-the-art troffer, using current generation LED chips and phosphors. This is a conservative estimate, as white LED performance has increased by more than a factor of six over the past decade, and continued progress is projected for the future.

LED lighting has the potential to dramatically reduce energy consumption in the United States due to its much higher efficiency with respect to conventional light sources such as incandescent, halogen and compact fluorescent lamps. A study commissioned by DOE in 2009 (Navigant Consulting, February 2010) estimated that demand for fluorescent lighting in commercial applications in 2010 is approximately 22,000 teralumen-hours (2.2 x 10^{16} lumen-hours), with projected growth to approximately 25,000 teralumen-hours in 2020. Average fluorescent lamp efficacy is estimated by the study at 71 lm/W in 2010, increasing to 75 lm/W in 2020. Assuming an average troffer efficiency of 75% (ranges from 65% in the DOE CALiPER test noted above to 85% for high-efficiency T5 troffers), the average efficacy for fluorescent troffers would be 53 lm/W in 2010 and 56 lm/W in 2020. Based on DOE

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estimates of efficacy improvements in white LEDs between 2010 and 2020, the luminous efficacy of the LED lightsheet should reach113 lm/W by 2015, and 153 lm/W by 2020.

Assuming a projected demand for commercial fluorescent-type lighting of 25,000 teralumen-hours in 2020, a market penetration of 20% of the installed base of fluorescent troffers by LED light sheets in that year would result in a reduction of electricity demand of 52 terawatt-hours per year. This is the amount of electricity produced annually by eight 1,000-MW power plants. The reduction in primary energy (coal, oil, gas, etc.) consumption would be 0.56 quads (0.56×10^{15} Btu) in 2020.

If there are any questions, please call the undersigned at (408) 382-0480 ex202.

Certificate of Electronic Transmission

I hereby certify that this correspondence is being submitted electronically to the United States Patent and Trademark Office on the date shown below.

/Brian D Ogonowsky/	November 18, 2010
Attorney for Applicant(s)	Date

Respectfully submitted,

/Brian D Ogonowsky/

Brian D Ogonowsky
Attorney for Applicant(s)
Reg. No. 31,988

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,327	11/01/2010	Wilson Dau	PTE-P-102	1288

7590 12/16/2010

Brian D. Ogonowsky
Patent Law Group LLP
Suite 223
2635 North First Street
San Jose, CA 95134-2049

EXAMINER	
ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
12/16/2010	PAPER

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

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

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Brian D. Ogonowsky
Patent Law Group LLP
Suite 223
2635 North First Street
San Jose CA 95134-2049

In re Application of	:	
DAU et al.	:	DECISION ON PETITION
Application No. 12/917,327	:	TO MAKE SPECIAL UNDER
Filed: November 01, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. PTE-P-102	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 18, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. Applicant argues the efficiency of light emitting diodes (LEDs) but the claims recite "light emitting dies." It is understood that light emitting dies can be LEDs but 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 greenhouse gas emission reduction. The claims are directed to a method of evaluating energy conservation. The filing of an amendment which positively requires LEDs in the claim would be given favorable consideration.

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 2852 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Wilson Dau, Louis Lerman, Allan Brent York		
Assignee:	Quarkstar, LLC		
Title:	Solid State Bidirectional Light Sheet Having Vertical Orientation		
Serial No.:	12/917,327	Filing Date:	November 1, 2010
Examiner:	Not yet assigned	Group Art Unit:	Not yet assigned
Docket No.:	PTE-P-102	Confirmation No.:	1288

San Jose, California
January 11, 2011

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 23313-1450

RE-SUBMISSION OF PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PILOT PROGRAM

Dear Commissioner:

The PTO dismissed the previous petition since Claim 1 did not specifically recite that the claimed "light emitting dies" were LEDs, and therefore the PTO indicated that the dies were not necessarily more efficient than prior art bulbs. The PTO suggested that the Applicant amend Claim 1 to specifically recite LEDs, which has been done in the preliminary amendment that accompanies this petition.

Accordingly, it is requested that the petition be granted.

A completed form PTO/SB/420 is enclosed herewith requesting that the above-identified application be accepted for the Green Technology Pilot Program for accelerated examination. The below statement provides the additional information requested to qualify for the Program.

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The application is a regular utility application filed under 35 USC 111(a).

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lighting in commercial applications in 2010 is approximately 22,000 teralumen-hours (2.2 x 10^{16} lumen-hours), with projected growth to approximately 25,000 teralumen-hours in 2020. Average fluorescent lamp efficacy is estimated by the study at 71 lm/W in 2010, increasing to 75 lm/W in 2020. Assuming an average troffer efficiency of 75% (ranges from 65% in the DOE CALiPER test noted above to 85% for high-efficiency T5 troffers), the average efficacy for fluorescent troffers would be 53 lm/W in 2010 and 56 lm/W in 2020. Based on DOE estimates of efficacy improvements in white LEDs between 2010 and 2020, the luminous efficacy of the LED lightsheet should reach113 lm/W by 2015, and 153 lm/W by 2020.

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If there are any questions, please call the undersigned at (408) 382-0480 ex202.

Certificate of Electronic Transmission

I hereby certify that this correspondence is being submitted electronically to the United States Patent and Trademark Office on the date shown below.

/Brian D Ogonowsky/	January 11, 2010
Attorney for Applicant(s)	Date

Respectfully submitted,

/Brian D Ogonowsky/

Brian D Ogonowsky
Attorney for Applicant(s)
Reg. No. 31,988

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2635 N. FIRST ST.
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(408) 382-0480
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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: PTE-P-102	Application Number (if known): 12/917,327	Filing date: November 1, 2010
First Named Inventor: Wilson Dau		
Title: Solid State Bidirectional Light Sheet Having Vertical Orientation		

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: Description of why invention qualifies under program by conserving energy

Signature /Brian D Ogonowsky/	Date January 11, 2011
Name (Print/Typed) Brian D. Ogonowsky	Registration Number 31,988

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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,327	11/01/2010	Wilson Dau	PTE-P-102	1288

7590 01/18/2011

Brian D. Ogonowsky
Patent Law Group LLP
Suite 223
2635 North First Street
San Jose, CA 95134-2049

EXAMINER	
ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
01/18/2011	PAPER

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

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

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Brian D. Ogonowsky
Patent Law Group LLP
Suite 223
2635 North First Street
San Jose CA 95134-2049

In re Application of	:	
DAU et al.	:	DECISION ON PETITION
Application No. 12/917,327	:	TO MAKE SPECIAL UNDER
Filed: November 01, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. PTE-P-102	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 18, 2010 and renewed on January 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2875 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAIL DATE:
1/31/11

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of: Churchhill et al.
Application No.: 12/917351
Filed: November 1, 2010
Title: LOW ADVANCE RATIO, HIGH RECIPROCATION RATE TISSUE REMOVAL DEVICE

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

This is a decision on the petition filed on November 1, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, 6.1, 6.2, 6.4 and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II : 5.1, 5.2, 6.3, and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the PTO/SB/28 form, the "pre-examination search document" including pages 1-5; the "accelerated examination support document" comprising pages 1-44, and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 606 subclasses 79-85, 166, and 169.

Initially it is noted that the accelerated examination support document is not in compliance with 37 CFR 11.18(b)(1) since the disclaimer in the AESD document contradicts the information and belief statement that is a requirement of submitting a paper. In other words, applicant cannot file a paper while disclaiming the requirements of the regulation. In order for the accelerated examination support document to be acceptable, the disclaimer language must be removed.

With respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, the dependent claims are not discussed sufficiently with regard to their patentability. A statement that the dependent claims are allowable because the independent claims are patentable is not sufficient. This does not provide guidance to the examiner as to whether the limitations could provide patentability should the examiner find the independent claims unpatentable. The example of limitations for some of the claims does not clearly set forth whether all the dependent claims provide patentability if the independent claim was found to be unpatentable. All dependent claims must be specifically addressed.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means-(or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each

means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists. In the instant petition, not all priority documents (12/098318, 60/910618 and 60/986912) were included in the 35 U.S.C. 112 showing of support. In addition, some of the boxes in the chart were left blank such as for provisional application 60/986912, claims 5 and 8. If there is no support, some statement to this effect must be included. Otherwise it is not clear whether there is no support or that the reference to the support was omitted by mistake.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.

/Linda J. Sholl/
Linda J. Sholl
Special Programs Examiner
Technology Center 3700

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

Mail Date: April 12, 2011

In re Application of: Churchill et al
Application No.: 12/917351
Filed: November 1, 2010
Title: LOW ADVANCE RATIO, HIGH RECIPROCATION RATE TISSUE REMOVAL DEVICE

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

This is a decision on the renewed petitions filed on February 28, 2011 and April 5, 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 GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl at (571) 272-4391

/Linda Sholl/
Linda Sholl
Special Programs Examiner
Technology Center 3700

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Decision Date : October 5,2011

In re Application of :

Keiji IKEDA

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12917381

Filed : 01-Nov-2010

Attorney Docket No : 05-41172B

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 5,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This application file is being referred to Technology Center AU 2891 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12917381
Filing Date	01-Nov-2010
First Named Inventor	Keiji IKEDA
Art Unit	2891
Examiner Name	CHANDRA CHAUDHARI
Attorney Docket Number	05-41172B
Title	FIELD-EFFECT TRANSISTOR AND METHOD FOR FABRICATING THE SAME

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

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

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

Petition Fee

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Reason for withdrawal from issue

◯ One or more claims are unpatentable ◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees) ◯ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).
RCE request,submission, and fee. ☒ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on 2011.10.05 ☐ Are attached.
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◯ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ◉ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ◯ A sole inventor ◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors ◯ A joint inventor; all of whom are signing this e-petition ◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Raphael A. Valencia/
Name	Raphael A. Valencia
Registration Number	43216

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OFFICE OF PETITIONS

PETER K. TRZYNA, ESQ.
P.O. BOX 7131
CHICAGO IL 60680

In re Application of :
William John Delinsky et al :
Application No. 12/917,401 : DECISION GRANTING PETITION
Filed: November 1, 2010 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. PEREGRIN-P1-10 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 3, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 16, 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 should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3691 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Application Data Sheet.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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MAY 20 2011

OFFICE OF PETITIONS

RG Patent Consulting, LLC
11790 E. Mariposa Grande Drive
Scottsdale AZ 85255

In re Application of
Mark Lemieux
Application No. 12/917,404
Filed: November 1, 2010
Attorney Docket No. **LEMI.001U**

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 May 10, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3724 for action on the merits commensurate with this decision.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE WI 53202

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of
Beverly Bensen et al
Application No. 12/917,480
Filed: June 30, 2010
Attorney Docket No. MERL-2309

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 24, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice To File Corrected Application Papers mailed November 17, 2010.

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

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 (Beverly Bensen) was ever given a power of attorney to act on behalf of inventor David Feider, 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) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE WI 53202

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Beverly Bensen et al :
Application No. 12/917,480 : DECISION ON PETITION
Filed: November 2, 2010 :
Attorney Docket No. 5720-00002 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the required reply; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed November 17, 2010, is accepted as having been unintentionally delayed.

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 14, 2012

In re Application of :

Beverly Bensen

Application No : 12917480

Filed : 02-Nov-2010

Attorney Docket No : 5720-00002

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 14, 2012

The request is **APPROVED.**

The request was signed by George H. Solveson (registration no. 25927) on behalf of all attorneys/agents associated with Customer Number 26753 . All attorneys/agents associated with Cusotmer Number 26753 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 Beverly Bensen, Managing Member, Hi-Tech R&D, LLC

Name2

Address 1 201 Circuit Court

Address 2

City Lake Villa

State IL

Postal Code 60046

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	12917480
Filing Date	02-Nov-2010
First Named Inventor	Beverly Bensen
Art Unit	1713
Examiner Name	
Attorney Docket Number	5720-00002
Title	Sheet material laminating machine for the plastic lamination of paper or similar materials using the application of a liquid polymer coating and its curing via ultraviolet light sources

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 26753

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

10.40(c)(1)(vi)

10.40(c)(5)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Beverly Bensen, Managing Member, Hi-Tech R&D, LLC
Address	201 Circuit Court
City	Lake Villa
State	IL

Postal Code	60046
Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/George H. Solveson/
Name	George H. Solveson
Registration Number	25927

UNITED STATES PATENT AND TRADEMARK OFFICE

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

K&L GATES LLP
214 N. TRYON STREET
HEARST TOWER, 47TH FLOOR
CHARLOTTE NC 28202

MAILED

DEC 0 6 2010

OFFICE OF PETITIONS

In re Application of :

Kingsley S. EVARTS :
Application No. 12/917,541 : DECISION ON PETITION
Filed: November 2, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. 2809461.00089 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 2, 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 Karl S. Sawyer, Jr., 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.

The application is being forwarded to Technology Center Art Unit 3721 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
Alexandria, VA 22313-1450
www.uspto.gov

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE NW, SUITE 700
WASHINGTON, DC 20036

MAILED

APR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Narumi OHKAWA	:	
Application No. 12/917,554	:	DECISION GRANTING PETITION
Filed: November 2, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **053254B**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 27, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 13, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2894 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

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

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

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: 83172310	Application Number (if known): 12/917,590	Filing date: November 2, 2010
First Named Inventor: Sayid MIAH		
Title: VEHICLE LAUNCH ANTICIPATION AND ADAPTATION		

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 /Kari P. Footland, Reg. No. 55,187/	Date March 3, 2011
Name (Print/Typed) Kari P. Footland	Registration Number 55,187

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.

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.

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.

PATENT
Customer No. 73,442
Attorney Docket No. 83172310

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Sayid MIAH	)	Group Art Unit: TBA
	)	
Application No.: 12/917,590	)	Examiner: TBA
	)	
Filed: November 2, 2010	)	
	)	Confirmation No.: 1813
For: VEHICLE LAUNCH ANTICIPATION AND ADAPTATION	)	
	)	

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

Sir:

STATEMENT OF SPECIAL STATUS

Special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements. The materiality standard is met because the claimed invention materially contributes to energy conservation and greenhouse gas emission reduction. The claimed invention improves launch performance of a vehicle utilizing a turbocharged smaller displacement engine having greater fuel efficiency than a larger displacement engine, thereby increasing potential consumer interest in purchasing a more fuel efficient vehicle.

Respectfully submitted,
O'BRIEN JONES[PLLC]

Dated: March 3, 2011

By: /Kari P. Footland, Reg. No. 55,187/
Attn: Kari P. Footland, Reg. No. 55,187
O'Brien Jones, PLLC
Telephone: (202) 292-4690
E-mail: kari.footland@obrienjones.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.
12/917,590	11/02/2010	Sayid Miah	83172310	1813

73442 7590 03/24/2011

O'BRIEN JONES, PLLC (w/Ford Motor Co.)
1951 Kidwell Drive
Suite 550 B
Tysons Corner, VA 22182

EXAMINER	
TRAN, KHOI H	

ART UNIT	PAPER NUMBER
3664	

NOTIFICATION DATE	DELIVERY MODE
03/24/2011	ELECTRONIC

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

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

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

info@obrienjones.com
jill.hill@obrienjones.com
michelle.obrien@obrienjones.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAR 2 3 2011

O'BRIEN JONES, PLLC (w/Ford Motor Co.)
1951 Kidwell Drive
Suite 550 B
Tysons Corner VA 22182

In re Application of	:	
Sayid MIAH	:	DECISION ON PETITION
Application No. 12/917,590	:	TO MAKE SPECIAL UNDER
Filed: November 2, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83172310	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 4, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item(s) 4.

In regard to item 4, in the statement of special status, petitioner indicates that *"the claimed invention improves launch performance of a vehicle utilizing a turbocharged smaller displacement engine having greater fuel efficiency than a larger displacement engine, ... "*. However, it is noted that only a generic internal combustion engine is claimed, and a turbocharger is recited in claim 3 only. As the claims recite a generic engine and an ECU to determine the launch interval of the engine, there is no evidence that the claimed invention can improve the acceleration performance or fuel efficiency of a vehicle. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3664 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

PATENT
Customer No. 73,442
Attorney Docket No. 83172310
Additional Attorney ID No.: 1008.0063

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sayid MIAH	)	
	)	Group Art Unit: 3664
Application No.: 12/917,590	)	
	)	Examiner: Khoi H. Tran
Filed: November 2, 2010	)	
	)	Confirmation No.: 1813
For: Vehicle Launch Anticipation and Adaption	)	

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

Sir:

PETITION FOR RECONSIDERATION OF DECISION ON PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PILOT PROGRAM

This Petition for Reconsideration is being filed with a Preliminary Amendment. Applicant requests that the Preliminary Amendment be entered prior to consideration of the remarks set forth below.

Special status is sought because, as explained in more detail below, the invention disclosed and claimed in this patent application materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements by materially contributing to energy conservation and greenhouse gas emission reduction. For simplicity, Applicant's comments are directed to independent claims 1, 7, and 16, although the same reasoning applies to all of the pending claims.

Claim 1

With respect to independent claim 1, the claimed invention materially enhances the quality of the environment. Claim 1, as amended in the concurrently-filed Preliminary Amendment, recites:

> A vehicle, comprising:
> a brake system, including: brakes coupled to vehicle wheels; hydraulic lines coupled to the brakes, an actuation force on the brakes being related to pressure in the hydraulic lines; and a brake pressure sensor coupled to the hydraulic lines;
> an internal combustion engine coupled to a turbo charger;
> an accelerator pedal coupled to the vehicle;
> a vehicle speed sensor;
> an electronic control unit (ECU) electronically coupled to the engine, the accelerator pedal, the vehicle speed sensor, and the pressure sensor, wherein:
> an incipient launch of the vehicle is determined when a vehicle speed sensor indicates that the vehicle is stopped and a signal signature from the pressure sensor indicates that brake pedal release is imminent; and
> in response to an incipient launch, the ECU commands the throttle valve toward a more open position with at least one of: a rate of change in the throttle opening and magnitude of the more open position based on a launch interval between incipient launch and depression of the accelerator pedal; and
> a wastegate coupled to an exhaust turbine of the turbocharger and electronically coupled to the ECU, the ECU commanding the wastegate to close in response to the incipient launch.

Claim 1's vehicle comprising a turbo charger and providing vehicle launch anticipation and adaption can improve launch performance of a smaller displacement engine.

Certain consumers have indicated that they prefer larger displacement engines due to an insufficient launch performance of smaller displacement engines. An improved launch performance for smaller displacement engines will therefore increase consumer interest in purchasing vehicles with smaller displacement engines. Vehicles with smaller displacement engines are more fuel efficient than vehicles with larger displacement engines. Thus, by anticipating

and improving vehicle launch in an engine with a turbo charger, vehicle launch performance will increase and consumers will be more likely to purchase a more fuel efficient vehicle. Consumers purchasing an increased number of small displacement, fuel efficient vehicles, rather than large displacement vehicles, materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements by materially contributing to energy conservation and greenhouse gas emission reduction.

Claim 7

With respect to independent claim 7, the claimed invention materially enhances the quality of the environment. Claim 7, as amended in the concurrently-filed Preliminary Amendment, recites:

> A method to control an automotive vehicle having brake and accelerator pedals and an internal combustion engine coupled to a turbo charger, comprising:
> determining a launch interval between an imminent brake pedal release and depression of the accelerator pedal;
> commanding at least one action to the vehicle to increase the rotation speed of the turbo charger; and
> basing the rate at which the at least one action is applied on the launch interval.

Claim 7's method to control an automotive vehicle having an internal combustion engine coupled to a turbo charger increases engine torque during a launch interval, which in turn increases the launch performance of a vehicle having a smaller displacement engine. As stated above, the improved launch performance will increase consumer interest in purchasing smaller displacement vehicles, because consumers have indicated that launch performance of existing smaller displacement vehicles can be a deterrent to the purchase thereof. Consumers purchasing an increased number of small displacement, fuel efficient vehicles, rather than large displacement vehicles, materially enhances the quality

of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements by materially contributing to energy conservation and greenhouse gas emission reduction.

Claim 16

With respect to independent claim 16, the claimed invention materially enhances the quality of the environment. Claim 16, as amended in the concurrently-filed Preliminary Amendment, recites:

> A method to control an automotive vehicle having brake and accelerator pedals and an internal combustion engine coupled to a turbo charger, comprising:
> determining a launch interval between brake pedal release and depression of the accelerator pedal;
> commanding an action to increase engine speed during the launch interval; and
> basing the action on the launch interval.

Claim 16's method to control an automotive vehicle having an internal combustion engine coupled to a turbo charger increases engine torque during a launch interval, which in turn increases the launch performance of a vehicle having a smaller displacement engine. As stated above, the improved launch performance will increase consumer interest in purchasing smaller displacement vehicles, because consumers have indicated that launch performance of existing smaller displacement vehicles can be a deterrent to the purchase thereof. Consumers purchasing an increased number of small displacement, fuel efficient vehicles, rather than large displacement vehicles, materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements by materially contributing to energy conservation and greenhouse gas emission reduction.

Regarding claims 1, 7, and 16, when consumers purchase more fuel efficient vehicles, the quality of the environment is enhanced by reducing the amount of gas needed in operating the vehicles, which both conserves energy and reduces greenhouse gas emission. Thus, the materiality standard of

materially enhancing the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements by materially contributing to energy conservation and greenhouse gas emission reduction is met by the invention as disclosed and claimed. The claimed invention improves launch performance of a vehicle utilizing a turbocharged smaller displacement engine having greater fuel efficiency than a larger displacement engine, thereby increasing consumer interest in purchasing a more fuel efficient vehicle.

Respectfully submitted,
O'BRIEN JONES^{PLLC}

Dated: April 25, 2011

By: /Jill DeMello Hill, Reg. No. 42,477/
Jill DeMello Hill
Reg. No. 42,477
O'Brien Jones, PLLC
Telephone: (202) 292-4704
E-mail: jill.hill@obrienjones.com

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,590	11/02/2010	Sayid Miah	83172310	1813

73442 7590 07/01/2011

O'BRIEN JONES, PLLC (w/Ford Motor Co.)
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EXAMINER	
TRAN, KHOI H	

ART UNIT	PAPER NUMBER
3664	

NOTIFICATION DATE	DELIVERY MODE
07/01/2011	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):

info@obrienjones.com
jill.hill@obrienjones.com
michelle.obrien@obrienjones.com

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JUL 0 1 2011

In re Application of :
Miah :
Application No. 12/917,590 :
Filed: 11/2/2010 :
Attorney Docket No. **83172310** :

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

This is a decision on the request for reconsideration, filed 4/25/2011, 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 3664 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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

PTO/SB/420 (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: 83167972	Application Number (if known): 12/917,592	Filing date: November 2, 2010
First Named Inventor: Sayid MIAH		
Title: VEHICLE LAUNCH ANTICIPATION		

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 /Kari P. Footland, Reg. No. 55,187/	Date March 3, 2011
Name (Print/Typed) Kari P. Footland	Registration Number 55,187

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.

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.

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,592	11/02/2010	Sayid Miah	83167972	1816

73442 7590 03/16/2011

O'BRIEN JONES, PLLC (w/Ford Motor Co.)
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EXAMINER	
ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
03/16/2011	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):

info@obrienjones.com
jill.hill@obrienjones.com
michelle.obrien@obrienjones.com

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O'BRIEN JONES, PLLC (w/Ford Motor Co.)
1951 Kidwell Drive
Suite 550 B
Tysons Corner VA 22182

In re Application of	:	
MIAH, SAYID	:	DECISION ON PETITION
Application No. 12/917,592	:	TO MAKE SPECIAL UNDER
Filed: Nov. 2, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83167972	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 3, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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 technology. This is not convincing. For example, it is not clear how the claimed method step of a vehicle control of claims 8 and 11 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 3747 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

PATENT
Customer No. 73,442
Attorney Docket No. 83167972
Additional Attorney ID No.: 1008.0064

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sayid MIAH	)	
	)	Group Art Unit: 3655
Application No.: 12/917,592	)	
	)	Examiner: TBA
Filed: November 2, 2010	)	
	)	Confirmation No.: 1816
For: VEHICLE LAUNCH ANTICIPATION	)	

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

Sir:

PETITION FOR RECONSIDERATION OF DECISION ON PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PILOT PROGRAM

Initially, Applicant thanks Quality Assurance Specialist Henry Yuen for considering the pending claims and taking the time to inform Applicant's representative regarding the appropriate subject matter to be claimed, explained, and included in this Petition for Reconsideration. In accordance with Quality Assurance Specialist Yuen's suggestion, independent claims 8 and 11 are addressed in this Petition for Reconsideration.

This Petition for Reconsideration is being filed with a Preliminary Amendment. Applicant requests that the Preliminary Amendment be entered prior to consideration of the remarks set forth below.

Special status is sought because, as explained in more detail below, the invention disclosed and claimed in this patent application materially enhances the quality of the environment by contributing to the restoration or maintenance of the

basic life-sustaining natural elements by materially contributing to energy conservation and greenhouse gas emission reduction.

Claim 8

With respect to independent claim 8, for example, the claimed invention materially enhances the quality of the environment. Claim 8 recites a method for controlling a vehicle having an internal combustion engine coupled to a turbocharger. The method comprises detecting an incipient launch based on a brake pedal coupled to the vehicle being released when the vehicle is stopped, and commanding an increase in engine torque in response to the detected incipient launch. The turbocharger is used to increase the engine torque, rather than an increased engine capacity. By commanding an increase in the engine torque of an engine coupled with a turbocharger, the launch performance is increased for a vehicle that has a smaller displacement engine. The turbo charger thus provides the same performance for a smaller displacement and more fuel efficient engine than would be expected for a larger displacement and less fuel efficient engine.

Certain consumers have indicated that they prefer larger displacement engines due to an insufficient launch performance of smaller displacement engines. An improved launch performance for smaller displacement engines will therefore increase consumer interest in purchasing more fuel efficient vehicles. Vehicles with smaller displacement engines are more fuel efficient than vehicles with larger displacement engines. Thus, by commanding an increase in the engine torque of a smaller displacement and more fuel efficient engine by providing a turbocharger and the claimed method, the launch performance will increase and consumers will be more likely to purchase a more fuel efficient vehicle. Consumers purchasing an increased number of small displacement, fuel efficient vehicles, rather than large displacement vehicles, materially enhances the quality of the environment by contributing to the restoration or maintenance of

the basic life-sustaining natural elements by materially contributing to energy conservation and greenhouse gas emission reduction.

Claim 11

Claim 11 recites a method for controlling a vehicle having a turbocharger coupled to an internal combustion engine, the method comprising detecting an incipient launch based on the imminent release of a brake pedal coupled to the vehicle when the vehicle is stopped, and commanding an increase in exhaust enthalpy provided to an exhaust turbine of the turbocharger in response to the detected incipient launch. Engine torque is increased by commanding an increase in the exhaust enthalpy provided to the exhaust turbine of a turbocharger, which in turn increases the launch performance for a vehicle having a smaller displacement engine. As stated above, the improved launch performance will increase consumer interest in purchasing more fuel efficient vehicles, because consumers have indicated that launch performance of existing fuel efficient vehicles can be a deterrent to the purchase thereof. Consumers purchasing an increased number of small displacement, fuel efficient vehicles, rather than large displacement vehicles, materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements by materially contributing to energy conservation and greenhouse gas emission reduction.

When consumers purchase more fuel efficient vehicles, the quality of the environment is enhanced by reducing the amount of gas needed in operating the vehicles, which both conserves energy and reduces greenhouse gas emission. Thus, the materiality standard of materially enhancing the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements by materially contributing to energy conservation and greenhouse gas emission reduction is met by the invention as disclosed and claimed. The claimed invention improves launch performance of a vehicle utilizing a turbocharged smaller displacement engine having greater fuel

efficiency than a larger displacement engine, thereby increasing potential consumer interest in purchasing a more fuel efficient vehicle.

Respectfully submitted,
O'BRIEN JONES[PLLC]

Dated: April 18, 2011

By: /Kari P. Footland, Reg. No. 55,187/
Attn: Kari P. Footland, Reg. No. 55,187
O'Brien Jones, PLLC
Telephone: (202) 292-4690
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,592	11/02/2010	Sayid Miah	83167972	1816

73442 7590 05/02/2011

O'BRIEN JONES, PLLC (w/Ford Motor Co.)
1951 Kidwell Drive
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Tysons Corner, VA 22182

EXAMINER	
ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
05/02/2011	ELECTRONIC

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

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

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

info@obrienjones.com
jill.hill@obrienjones.com
michelle.obrien@obrienjones.com

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O'BRIEN JONES, PLLC (w/Ford Motor Co.)
1951 Kidwell Drive
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Tysons Corner VA 22182

In re Application of	:	
MIAH, SAYID	:	DECISION ON PETITION
Application No. 12/917,592	:	TO MAKE SPECIAL UNDER
Filed: Nov. 2, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83167972	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed April 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is granted.

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

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

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,603	11/02/2010	Jari Vehmaanper¿	01942-00050	1833

22910 7590 12/22/2011

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EXAMINER	
SHEN, WU CHENG WINSTON	
ART UNIT	**PAPER NUMBER**
1632	

MAIL DATE	DELIVERY MODE
12/22/2011	PAPER

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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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DEC 2 2 2011

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

In re Application of	:
Vehmaanpera	:Decision on Petition
Serial No.: 12/917,603	:
Filed : 2 November 2010	:
Attorney Docket No.: 01942-00050	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 23 November 2011 requesting reconsideration of the restriction requirement mailed 17 July 2011.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to consideration under restriction practice under Chapter 800.

On 13 July 2011, the examiner set forth a restriction requirement which divided claims 1-26 into fifteen groups. Groups II, and VII-XI were then subjected to a further restriction to a single sequence.

On 11 August 2011, applicants elected Group I, claims 1 and 2 and SEQ ID NO 6, with traverse.

On 23 August 2011, the examiner considered the traversal and made the restriction requirement final. Claims 3-26 were withdrawn from consideration under 37 CFR 1.42(b). Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by Lange et al.

On 23 November 2011, applicants filed a response to the Office action along with this petition.

DISCUSSION

The file history of the instant application has been considered carefully.

Representative claim(s) for each of the product Groups are set forth below. Claims 1 and 2 were placed in Group I.

1. (Currently Amended) A polypeptide comprising a fragment having cellulolytic activity and being selected from the group consisting of:

a) a polypeptide comprising an amino acid sequence having at least 90% identity to SEQ ID NO:6;

~~b) a variant of a) comprising a fragment having cellulolytic activity;~~ and

b)~~c)~~ a fragment of a) ~~or b)~~ having cellulolytic activity.

Claims 3-5 depend upon Claim 1, directly or indirectly, and were placed in Group II.

3. (Withdrawn) The polypeptide of claim 1, which is encoded by a polynucleotide selected from the group consisting of:

a) a nucleotide sequence of SEQ ID NO: 5, and

b) a nucleotide sequence that is degenerate as a result of the genetic code thereto.

Claims 3-5 are product by process type claims which further describe the nucleotide sequence which encodes the polypeptide of Claim 1. Because Claims 3-5 read upon and further limit the polypeptide of claim 1, restriction between Groups I and II is unwarranted.

Claims 6-7 depend upon Claim 1, directly or indirectly, and were placed in Group III.

6. (Withdrawn) An enzyme preparation comprising a polypeptide of claim 1.

7. (Withdrawn) The enzyme preparation of claim 6, which is in the form of spent culture medium, powder, granules, or liquid.

Claims 6-7 describe preparations which contain the polypeptide of claim 1. These preparation claims are not patentably distinct from claim 1 and as such, restriction is unwarranted between Group I and III.

Claim 8 depends upon Claim 6, and was placed in Group IV.

8. (Withdrawn) The enzyme preparation of claim 6, which further comprises at least one other enzyme activity selected from endoglucanase, beta-glucosidase, xylanase and other enzyme activities.

Claim 8 is drafted in the format of a combination claim, requiring the enzyme of claim 6 and one or more additional enzymes. Claim 6 would be considered the subcombination claim in this relationship. MPEP 806.05(c) prohibits restriction between combination and subcombination claims when the shared subcombination (in this case, the enzyme preparation of claim 6) is of same scope on the combination and subcombination. Because claim 8 depends upon claim 6, claim 8 requires all the limitations of claim 6 such that restriction between Group IV and Group III is not warranted. Neither is Group IV distinct from Group I.

Claim 9 depends upon Claim 6, which in turn depends upon Claim 1, and was placed in Group V.

9. (Withdrawn) The enzyme preparation of claim 6, which further comprises conventional additives.

Claim 9 is directed to the same enzyme preparation as Group IV merely requiring the addition feature of "conventional additives." Claim 9 is not patentably distinct from Claim 6 and as such, restriction between Group III and Group V cannot be maintained.

Claims 10-12 depend upon Claim 6, which in turn depends upon Claim 1, and were placed in Group VI.

10. (Withdrawn) The enzyme preparation of claim 6, comprising cellobiohydrolase, endoglucanase and beta-glucosidase, wherein said cellobiohydrolase comprises an amino acid sequence having at least 90% identity to SEQ ID NO: 6 or to a fragment thereof having cellulolytic activity.

Claim 10 is comparable to Claim 8, in that both Claim 8 and 10 depend from Claim 6 and recite a list of three additional enzymes. Claim 10 then provides an additional limitation, also found in independent claim 1, that the cellobiohydrolase comprises a sequence having 90% identity to SEQ ID NO 6. Claim 10 also requires all three additional enzymes. MPEP 806 states:

> (C) Where inventions are related as disclosed but are not distinct as claimed, restriction is never proper.

In paragraph 78 of page 22, the specification discloses an embodiment wherein the examiner preparation comprises a mixture of BCH, EG and BG, optionally together with xylanase and/or other enzymes. For these reasons, restriction cannot be maintained between Group VI and Group I or Group III.

Claim 13 depends upon Claim 10, which in turn, depends upon Claim 6, which in turn depends upon Claim 1 and was placed in Group VII.

13. (Withdrawn) The enzyme preparation of claim 10, wherein the enzymes are recombinant enzymes, preferably produced in a strain from the genus *Trichoderma* or *Aspergillus*.

Claim 13 is a product by process type claim which further describes how the enzyme is produced. Because Claim 13 reads upon and further limits the enzyme preparation of claim 6, restriction between Groups III and VII is unwarranted.

Claims 14-15 depend upon Claim 10, which in turn, depends upon Claim 6, which in turn depends upon Claim 1 and were placed in Group VIII.

14. (Withdrawn) The enzyme preparation of claim 10, wherein the endoglucanase comprises an amino acid sequence having at least 90% identity to SEQ ID NO: 10, 12, 14 or 16, or to a fragment thereof having cellulolytic activity.

Similarly, Claims 16-17 depend upon Claim 10, which in turn, depends upon Claim 6, which in turn depends upon Claim 1 and were placed in Group IX.

16. (Withdrawn) The enzyme preparation of claim 10, wherein the beta-glucosidase comprises an amino acid sequence having at least 90% identity to SEQ ID NO: 22, 24 or 26, or to a fragment thereof having cellulolytic activity.

Claims 14, 15, 16 and 17 provide further limitations as to the nucleic acid sequences of the enzymes listed in claim 10. Because claims 14, 15, 16 and 17 require all the features of claim 10, distinction cannot be established between Groups VIII and IX and Group III.

Claims 18-21 depend upon Claim 10, which in turn, depends upon Claim 6, which in turn depends upon Claim 1 and were placed in Group X.

18. (Withdrawn) The enzyme preparation of claims 10, further comprising a xylanase.

Claim 18 is related as a combination that requires the subcombination of Claim 10. MPEP 806.05(c) prohibits restriction between subcombination and a combination requiring the same subcombination.

Claim 22 depends upon Claim 10, which in turn, depends upon Claim 6, which in turn depends upon Claim 1 and was placed in Group XI.

22. (Withdrawn) The enzyme preparation of claim 10, wherein at least one of the enzymes is encoded by a gene similar to that included in a microorganism having accession number DSM 16723, DSM 16728, DSM 16729, DSM 16727, DSM 17326, DSM 17324, DSM 17323, DSM 17729, DSM 16723, DSM 16726, DSM 16725, DSM 17325 or DSM 17667.

Claim 22 is similar to claim 5, which had been placed in Group II. Both Claims 5 and 22 recite as the source for the enzyme, one which is encoded by a gene that is included in a microorganism having accession number DSM 16729. Claim 22 is broader than claim 5 in that it includes 12 additional accession numbers. Restriction is unwarranted between the species of Claim 5 and a genus of claim 22. Moreover, Claim 22 is a product by process type claim which further describes the host cell from which the enzyme is produced. Because Claim 22 reads upon and further limits the enzyme preparation of claim 6, restriction between Groups II, III and XI is unwarranted.

Claim 23 depends upon Claim 10, which in turn, depends upon Claim 6, which in turn depends upon Claim 1 and was placed in Group XII.

23. (Withdrawn) The enzyme preparation of claim 10, which is in the form of spent culture medium, powder, granules, or liquid.

Claim 23 is also similar to Claim 7 which had been placed in Group III.

7. (Original) The enzyme preparation of claim 6, which is in the form of spent culture medium, powder, granules, or liquid.

In this instance, the various forms of medium, powder, granules or liquid as recited in Group III and Group XI are not patentably distinct from each other and cannot serve as a reason for placing the claims in different groups.

Here, the examiner attempted to justify the restriction requirement by stating that the dependent claims further broaden the scope of the independent claims. If that were to be the case, (which it does not seem to be) in addition to compliance with the other statutes, rules and requirements the dependent claims should be considered for compliance with 35 U.S.C. 112 4th paragraph, instead of refusal to examine the claims. The presence of further broadened claims would not justify a restriction requirement.

Concerning the requirement to elect a single sequence for examination, it is noted that, counter to the examiner's assertion both in the restriction requirement and in the first Office action on the merits, there is no Office policy that requires restriction to one sequence for applications. The 27 March 2007 OG Notice provides the following guidance for applications which claim polynucleotide sequences:

"For National applications filed under 35 U.S.C. 111(a), polynucleotide inventions will be considered for restriction, rejoinder and examination practice in accordance with the standards set forth in MPEP Chapter 800 (except for MPEP 803.04 which is superseded by this Notice). Claims to polynucleotide molecules will be considered for independence, relatedness, distinction and burden as for claims to any other type of molecule."

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 23 November2011 is **GRANTED** as follows.

The restriction between Groups I-XII has been withdrawn.

The requirement to elect a single sequence for examination has been withdrawn.

The application will be forwarded to the examiner to consider the papers filed 23 November 2011 in a manner consistent with this petition 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.

Jacqueline Stone
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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DOWELL BAKER, P.C.
201 MAIN STREET
SUITE 710
LAFAYETTE IN 47901

MAILED

AUG 09 2011

OFFICE OF PETITIONS

In re Application of :
Ensley :
Application No. 12/917,665 : DECISION
Filed/Deposited: 2 November, 2010 :
Attorney Docket No. D0038-0006 :

This is a decision on the papers filed on 29 July, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

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

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Corrected Application Papers (properly spaced specification—description, claims, abstract) mailed on 17 November, 2010, with reply due absent extension of time on or before 17 January, 2011.

The application went abandoned by operation of law after midnight 17 January, 2011.

The Office mailed the Notice of Abandonment on 29 July, 2011.

On 29 July, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181—but with an incomplete showing as required under the Rule (see below), save that some papers were submitted on 23 November, 2010. Petitioner provided no copy of the complete reply or evidence that such was timely submitted, and no set of statements consistent with the guidance in the Commentary at MPEP §711.03(c)(I). Thus, Petitioner failed to make the showing required as set forth in the guidance in the Commentary at MPEP §711.03(c)(I).

The guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely fling:

***

> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).
>
> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]
>
> ***

A Petitioner unable to comply with and/or otherwise satisfy these requirements may revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

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[1] *See*: MPEP §711.03(c) (I)(B).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18 (formerly 37 C.F.R. §10.18) to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

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.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3,4]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[5]

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[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[5] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner pursuant to 37 C.F.R. §1.137(b) requesting revival of an application abandoned due to unintentional delay. (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate 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 was unintentional." (The statement is in the form available online.)

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

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

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

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) 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

[6] 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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LAFAYETTE IN 47901

MAILED

AUG 18 2011

OFFICE OF PETITIONS

In re Application of :
Ensley :
Application No. 12/917,665 : DECISION
Filed/Deposited: 2 November, 2010 :
Attorney Docket No. D0038-0006 :

This is a decision on the papers filed on 11 August, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

The Notice to File Corrected Application Papers mailed on 17 November, 2011, stated that Petitioner was to:

- file a reply in the form of a substitute specification (description, claims, abstract) with both corrected and clean copies thereof, and
- make the statement that the substitute specification contained no new matter.

What Petitioner has evidenced is that he submitted papers on 23 November, 2011. Whether the Office of Patent Application Processing (OPAP) finds that submission to have been complete is yet to be determined.

The petition pursuant to 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Corrected Application Papers (properly spaced specification—description, claims, abstract) mailed on 17 November, 2010, with reply due absent extension of time on or before 17 January, 2011.

The application went abandoned by operation of law after midnight 17 January, 2011.

The Office mailed the Notice of Abandonment on 29 July, 2011.

On 29 July, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181—but with an incomplete showing as required under the Rule, save that some papers were submitted on 23 November, 2010. Petitioner provided no copy of the complete reply or evidence that such was timely submitted, and no set of statements consistent with the guidance in the Commentary at MPEP §711.03(c)(I). The petition was dismissed on 8 August, 2011.

On 11 August, 2011, Petitioner re-advanced his petition with statements and proffered documentary support as set forth in the guidance in the Commentary at MPEP §711.03(c)(I).

The guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely fling:

***

> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).
>
> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]
>
> ***

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

The 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.

---

[1] *See*: MPEP §711.03(c) (I)(B).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3],[4]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[5]

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

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[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[5] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

The Office record reflects and so Petitioner appears to have made the showing required.

CONCLUSION

Accordingly, the petition as considered pursuant to 37 C.F.R. §1.181 is **granted**, and the 29 July, 2011, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) 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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[6] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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CRAWFORD MAUNU PLLC
1150 NORTHLAND DRIVE, SUITE 100
ST. PAUL MN 55120

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of :
Larry Johnson :
Application No. 12/917,725 : DECISION ON PETITION
Filed: November 2, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. MITT.010PA : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 20, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by an attorney on behalf of inventor Larry D. Johnson attesting to his/her 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 3651 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/917,750	Filing date:	02-11-2010
First Named Inventor:	Kevin Pickrell		
Title of the Invention:	One-Piece Manufacturing Process		

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/US2010/055081

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/917,750
First Named Inventor:	Kevin Pickrell

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
1-37	1-37	Claims 1-37 correspond to PCT claims 1-37.

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

Signature /N. Alexander Nolte/	Date August 29, 2011
Name (Print/Typed) N. Alexander Nolte	Registration Number 45,689

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,750	11/02/2010	Kevin Pickrell	42495.641	2106

60935 7590 11/02/2011

Edmonds Nolte, PC
16815 ROYAL CREST DRIVE
SUITE 130
HOUSTON, TX 77058

EXAMINER	
D'ANIELLO, NICHOLAS P	
ART UNIT	**PAPER NUMBER**
1735	

NOTIFICATION DATE	DELIVERY MODE
11/02/2011	ELECTRONIC

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

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

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

docketing@edmondsnolte.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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11/2/11

BC

In re application of	:	DECISION ON REQUEST TO
Kevin Pickrell et al.	:	PARTICIPATE IN PATENT
Serial No. 12/917,750	:	PROSECUTION HIGHWAY
Filed: November 02, 2010	:	PROGRAM AND
Attorney Docket No: 42495.641	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

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

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the APO, IPA, JPO, KIPO, NBPR, NPI, EPO, Rospatent, IPOS, SPTO, PRV, UK IPO or USPTO;

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

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

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

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

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

product is not in the English language; and

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,766	11/02/2010	Motonobu TONOMURA	U 018202-2	2134

7590 08/03/2011

Ladas & Parry
26 West 61st Street
New York, NY 10023

EXAMINER	
AHMED, SAMIR ANWAR	
ART UNIT	**PAPER NUMBER**
2624	

MAIL DATE	DELIVERY MODE
08/03/2011	PAPER

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

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

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Ladas & Parry
26 West 61st Street
New York NY 10023

In re Application of
TONOMURA et al.
Application No.: 12/917,766
Filed: 02 November 2010
Attorney Docket No.: U 018202-2
For: INTERPOLATOR AND DESIGNING METHOD THEREOF

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

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

The request and petition are **DISMISSED**.

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

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

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

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

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

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

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

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

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

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. For example, US claim 1 requires "a left side influence factor arithmetic unit which calculates a left side influence factor indicating influences of a pixel value or values" while JP claim 1 requires "a left side influence factor arithmetic unit which calculates left side influence factors indicating influences of a pixel values." US claim 1 is broader in scope than JP claim 1 and therefor does not sufficiently correspond.

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

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

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

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

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,766	11/02/2010	Motonobu TONOMURA	U 018202-2	2134

7590 09/23/2011

Ladas & Parry
26 West 61st Street
New York, NY 10023

EXAMINER	
AHMED, SAMIR ANWAR	
ART UNIT	**PAPER NUMBER**
2624	
MAIL DATE	**DELIVERY MODE**
09/23/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Ladas & Parry
26 West 61st Street
New York NY 10023

In re Application of
TONOMURA et al.
Application No.: 12/917,766
Filed: 02 November 2010
Attorney Docket No.: U 018202-2
For: INTERPOLATOR AND DESIGNING METHOD THEREOF

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 15 July 2011 and renewed 21 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

BUCKLEY, MASCHOFF & TALWALKAR LLC
50 LOCUST AVENUE
NEW CANAAN CT 06840

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert White, Robert Walls	:	DECISION REFUSING STATUS
Shuan Ghaidan and Michael Cowen	:	UNDER 37 CFR 1.47(a)
Application No. 12/917,767	:	
Filed: November 2, 2010	:	
Attorney Docket No. P00614-US-UTIL (M01.160)	:	

This is a decision on the PETITION TO ACCEPT APPLICATION WITH MISSING SIGNATURE filed December 22, 2010.

The petition is **DISMISSED**.

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

The above-identified application was filed on November 2, 2010, with an application data sheet, but without an executed oath or declaration. Accordingly, on November 17, 2010, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and the surcharge for late filing under § 1.16(e).

In response, rule 47 applicants filed the instant petition, along with payment of the petition fee and the late surcharge.

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

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

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

Rule 47 applicants have not submitted adequate proof that the non-signing inventor has refused to join in the application. Before a refusal can be alleged, applicants must demonstrate that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. See MPEP 409.03(d).

In this instance, applicants have not presented evidence that the inventor was ever presented with all of the application papers (specification, claims and drawings) for review and signature. A review of all of the cover letters and statements on petition only shows that inventor Ghaidan was presented with the assignment and declaration. The attorney states that the patent application had been sent to Shuan Ghaidan and is believed to have been in his possession. However, no evidence is presented of the details of receipt, including date of delivery and confirmation of delivery. Having only clearly been presented with only the assignment and declaration, inventor Ghaidan, even if willing, could not, for example, aver as

required on declaration for patent that he had reviewed and understood the application, including the claims.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By fax:	(571) 273-8300 ATTN: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

BUCKLEY, MASCHOFF & TALWALKAR LLC
50 LOCUST AVENUE
NEW CANAAN CT 06840

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert White, Robert Walls	:	DECISION ACCORDING STATUS
Shuan Ghaidan and Michael Cowen	:	UNDER 37 CFR 1.47(a)
Application No. 12/917,767	:	
Filed: November 2, 2010	:	
Attorney Docket No. P00614-US-UTIL (M01.160)	:	

This is a decision on the REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. §1.47(a) filed April 28, 2011.

The petition is **GRANTED**.

In response to the "Notice to File Missing Parts of Nonprovisional Application," mailed November 17, 2010, applicants filed the initial petition under § 1.47(a) (and petition fee and late surcharge) on the basis that inventor Ghaidan refused to execute the declaration. The petition included declarations executed by inventors White, Walls and Cowen on behalf of themselves and on behalf of non-signing inventor Ghaidan.

All requirements of 37 CFR 1.47(a) were met, except the petition did not include adequate proof that the non-signing inventor refused to join in the application. Specifically, there was not adequate proof that a bona fide attempt had been met to present all of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor.

On renewed petition, attorney Filipek presented a detailed accounting of the presentation of all of the application papers to the inventor. This additional proof included a copy of a responsive return email from the inventor, evidencing that he

had (or could have) read the relevant correspondence sent to him at the email address used for presentation of the papers. Thus, it is concluded that applicants have now shown that inventor Ghaidan in his failure to sign the declaration has refused to join in the application.

The declaration filed December 22, 2010, has been reviewed and found in compliance with § 1.63. The initial petition included the petition fee and the last known address of inventor Ghaidan.

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHUAN GHAIDAN
19 AUGUSTA ROAD
Fairlight
New South Wales
Australia 2094

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of :
Robert White, Robert Walls :
Shuan Ghaidan and Michael Cowen : LETTER
Application No. 12/917,767 :
Filed: November 2, 2010 :
Attorney Docket No. P00614-US-UTIL :
(M01.160) :

Dear Inventor Ghaidan:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be

directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Nathaniel Levin
BUCKLEY, MASCHOFF & TALWALKAR LLC
50 LOCUST AVENUE
NEW CANAAN CT 06840
(203)-972-3460

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: 20211-0150001	Application Number (if known): 12/917,815	Filing date: 11/02/2010

First Named Inventor: Sanghwan PARK

Title: SOLAR CELL MODULE

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: Preliminary Amendment; Statements of Special Status

Signature /David L. Holt/	Date 05/24/2011
Name (Print/Typed) David L. Holt	Registration Number 65161

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

■ *Total of 1 forms are submitted.

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

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.

Attorney Docket No.: 20211-0150001 / OPP-2010-0314-US (LG: 10FSLC019US01)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Sanghwan PARK	Art Unit	: 1725
Serial No.	: 12/917,815	Examiner	: Unknown
Filed	: November 2, 2010	Conf. No.	: 2235
Title	: SOLAR CELL MODULE		

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

PETITION TO MAKE SPECIAL UNDER PILOT PROGRAM FOR GREEN TECHNOLOGIES

As set forth in 74 Fed. Reg. 64,666, a Pilot Program for Green Technologies Including Greenhouse Gas Reduction establishes special status for patent applications pertaining to energy conservation, development of renewable energy resources or greenhouse gas emission reduction. *See* Pilot Program for Green Technologies Including Greenhouse Gas Reduction, 74 Fed. Reg. 64,666 (Dec. 8, 2009).

Patent applications are eligible for the Green Technology Pilot Program if covered technology materially contributes to, among other things, the discovery or development of renewable energy resources. *Id.* In this sense, the term "renewable energy resources" is said to include hydroelectric, **solar**, wind, renewable biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, and municipal solid waste, as well as the transmission, distribution, or other services directly used in providing electrical energy from these sources. *Id.*

74 Fed. Reg. 64,666 sets forth that a petition to make special for an application directed to development of renewable energy or energy conservation, or directed to greenhouse gas emission reduction, must state the basis for the special status (i.e., whether the invention materially contributes to (1) development of renewable energy resources or energy conservation, or (2) greenhouse gas emission reduction). *Id.* If the application disclosure is not clear on its face that the claimed invention materially contributes to (1) development of renewable energy or energy conservation, or (2) greenhouse gas emission reduction, the petition must be accompanied by a statement signed by the applicant, assignee, or an attorney/agent registered to practice before the USPTO, in accordance with 37 CFR 1.33(b) explaining how the materiality standard is met. *Id.*

The claims of the instant application materially contribute to development of renewable energy resources, as they are read in light of the application disclosure to facially reveal their relationship to aspects and operations of solar cell modules, used to harvest a renewable energy resource, rending this application eligible for special status under the Pilot program. *See id.* Moreover, the following explanation accompanies this petition, serving as a statement by the undersigned in accordance with 37 CFR 1.33(b) explaining how the materiality standard is met. *See id.*

In one type of solar cell module, conductors (e.g., inter-connectors) connected with positive electrodes and negative electrodes of the solar cells are connected to one or more lead wires to output power generated by the solar cell module. The lead wires are connected with a junction box to output power through a power line of the junction box. The claims of this application regard a configuration of the lead wires and inter-connectors that results in a reduction of the invalid area of the solar cell module (i.e., the area of the solar cell module not directly used to produce energy). Thus, the solar cell module set forth in the claims is more space efficient without reducing power output, which will increase the energy efficiency of a given spatial area.

As fee set forth in 37 CFR 1.18(d) in the amount of $300 for early publication is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. No other fees are believed due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: May 24, 2011

/David L. Holt/
David L. Holt
Reg. No. 65,161

Customer No. 26171
Fish & Richardson P.C.
Telephone: (202) 783-5070
Facsimile: (877) 769-7945

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.
12/917,815	11/02/2010	SANGHWAN PARK	20211-0150001	2235

26171 7590 05/31/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
05/31/2011	ELECTRONIC

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

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

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

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAY 31 2011

In re Application of :
Sanghwan Park :
Application No. 12/917,815 :
Filed: November 02, 2010 :
Attorney Docket No. 20211-0150001 :

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

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

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Clifford E. Gammons

Application No. 12917838

Filed:

Attorney Docket No. 07003-UPA1

: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 04-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.

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: 83167231	Application Number (if known): 12/917,862	Filing date: November 2, 2010
First Named Inventor: Ross Dykstra Pursifull		
Title: EFFICIENT VACUUM FOR A VEHICLE		

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 /John D. Russell/	Date April 1, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

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

[X] *Total of 1 forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Ross Dykstra Pursifull
Application No.	:	12/917,862
Filed	:	November 2, 2010
Title	:	EFFICIENT VACUUM FOR A VEHICLE
Group Art Unit	:	3746
Confirmation No.	:	2331
Docket No.	:	83167231

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

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

April 1, 2011	/Caitlin Fackrell/
Date	Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicant respectfully requests consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicant submits that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicant notes that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicant submits that the claimed invention contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (e.g., more efficiently utilizing and conserving fossil fuels). Specifically, the

claimed invention increases the efficiency of an electrically driven vacuum pump. As explained in the Background and Summary of the subject application, vacuum may be used to operate or to assist in the operation of various devices of a vehicle. For example, vacuum may be used to assist a driver applying vehicle brakes. In some vehicle systems vacuum is provided via a vacuum pump. Some vacuum pumps are electrically driven by motors while others are mechanically driven by the vehicle's engine. Engine driven vacuum pumps can operate at higher efficiencies than electrically driven vacuum pumps; however, operation of mechanically driven vacuum pumps is constrained by engine operation. For example, mechanically driven vacuum pumps do not pump air while the engine is not rotating. On the other hand, electrically driven vacuum pumps may be activated and deactivated without regard to engine operation so that engine fuel economy can be increased; however, electrically driven vacuum pumps can be less efficient than mechanically driven vacuum pumps due to a lack of oil lubrication. Thus, opportunities exist to improve on the operation of both electrically and mechanically driven vacuum pumps.

The claimed invention balances the benefits of both types of vacuum pumps by providing a traditional engine-driven vacuum pump that is lubricated with engine oil, but driven with an electric motor. For example, claim 1 recites:

> An engine vacuum system, comprising:
> an engine;
> an electrically driven vacuum pump in fluid communication with the engine and a vacuum consumer, a vacuum pump exhaust port of the electrically driven vacuum pump in fluid communication with an oiled interior region of the engine.

In this way, it is possible to use engine oil to lubricate the mechanism and to wet the pumping chamber seals of an electrically driven pump so that the pump has higher pumping efficiency. As such, the efficiency of the electric pump can be improved when it operates, so that the overall fuel economy of the engine can be increased. Specifically, the electric operation enables the pump to be turned off when not needed, for example, to save energy, while the fluid communication with an oiled interior region of the engine enables the pump, when operated, to operate more efficiently.

Regarding basis (2), Applicant submits that the claimed invention materially enhances the quality of the environment by reducing hydrocarbon emissions. As set forth in claim 1, the vacuum pump evacuates air to an interior of an engine, where oil entrained in the air may be trapped by existing systems and returned to the oil sump, thus preventing the release of oil to the atmosphere. For example, air can be pumped on demand from a vacuum reservoir by an electrically driven vacuum pump to an engine crankcase. Oil used to wet seals of the vacuum pump can be deposited into the engine crankcase, and air from the vacuum reservoir can be routed to engine cylinders via a positive crankcase ventilation (PCV) system for participation in combustion of an air-fuel mixture. In this way, the pumping efficiency of the electrically driven vacuum pump can be increased while maintaining low exhaust emissions, thus enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

/John D. Russell/

John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicant/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,862	11/02/2010	Ross Dykstra Pursifull	83167231	2331

36865 7590 04/12/2011

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER	
ART UNIT	PAPER NUMBER
3746	

MAIL DATE	DELIVERY MODE
04/12/2011	PAPER

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

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

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806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
PURSIFULL, ROSS DYKSTRA	:	DECISION ON PETITION
Application No. 12/917,862	:	TO MAKE SPECIAL UNDER
Filed: Nov. 2, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83167231	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed April 1, 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.

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

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3746 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,863	11/02/2010	Tetsuo MINAI	26872	2332

23389 7590 09/26/2011

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER	
ART UNIT	PAPER NUMBER
3739	

MAIL DATE	DELIVERY MODE
09/26/2011	PAPER

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

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

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SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

In re Application of	:	
MINAI, TETSUO , et al.	:	DECISION ON REQUEST TO
Application No. 12/917,863	:	PARTICIPATE IN PATENT
Filed: November 02, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 26872	:	PROGRAM AND PETITION
For: IN-VIVO IMAGING SYSTEM AND BODY-INSERTABLE APPARATUS	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 10, 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 Linda Dvorak, SPE of Art Unit 3739, and 571-272-4764 for Class 600 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,885	11/02/2010	Yojiro MATSUEDA	114251.03	2374

25944 7590 04/06/2011

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

EXAMINER	
BOLOTIN, DMITRIY	

ART UNIT	PAPER NUMBER
2629	

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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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

In re Application of	:	
MATSUEDA, YOJIRO	:	DECISION ON REQUEST TO
Application No. **12/917885**	:	PARTICIPATE IN PATENT
Filed: **11/02/2010**	:	PROSECUTION HIGHWAY
Attorney Docket No. **114251.03**	:	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 February 4, 2011, to make the above-identified application special.

The request and petition are **DISMISSED AS MOOT**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of 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 are dismissed as moot as the examination of the above-identified application has begun. An Office Action was mailed on February 8, 2011.

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

/ Daniel Swerdlow/

Daniel Swerdlow
Quality Assurance Specialist
Technology Center 2600
Communications

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

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 83167247	Application Number (if known): 12/917,889	Filing date: November 2, 2010
First Named Inventor: Cliff Maki		
Title: ACCESSORY DRIVE FOR A STOP/START VEHICLE		

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 /John D. Russell/	Date March 31, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

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

[X] *Total of 1 forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Cliff Maki et al.
Application No.	:	12/917,889
Filed	:	November 2, 2010
Title	:	ACCESSORY DRIVE FOR A STOP/START VEHICLE
Group Art Unit	:	3783
Confirmation No.	:	2385
Docket No.	:	83167247

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

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

March 31, 2011	/Angie C. Farr/
Date	Angie C. Farr

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels).

Specifically, the claimed invention increases the number of times an automatic start/stop engine can be stopped, therefore reducing engine operation and thus conserving fuel. As explained in the Background and Summary of the subject application, start/stop vehicles may be frequently automatically stopped by a controller in response to operating conditions to conserve fuel. For example, an engine of a stop/start vehicle may be stopped in response to a vehicle stop after the engine has reached a predetermined temperature. However, if there is an absence or a low level of vacuum for vehicle brakes or other systems, the automatic stop may be delayed until a desired level of vacuum is achieved. Consequently, less fuel may be saved since the vehicle continues to operate until a desired level of vacuum is provided.

However, if an engine is at operating temperature and is then stopped, engine temperature may increase since coolant may not be pumped from the engine to the cooling system without engine rotation. Further, if the engine is started and stopped at frequent intervals, more engine heat may be retained instead of being rejected to a radiator or heater core since the engine may have less opportunity to pump coolant from the engine.

Thus, automatic engine starting and stopping can increase fuel economy when operating conditions permit engine stopping; however, operation of vehicle accessories (e.g., vacuum pumps, coolant pumps, and alternators) may limit opportunities to stop the engine since stopping the engine may interfere with operation of the accessories. The claimed invention addresses this issue by providing an engine accessory drive system that may be operated independently of engine operation. For example, claim 1 recites:

> An engine accessory drive system, comprising:
> an engine;
> a vacuum pump;
> a coolant pump configured to supply liquid coolant to the engine; and
> an electrically driven motor mechanically coupled to the vacuum pump and the coolant pump.

By coupling a vacuum pump and a coolant pump to an electrically driven motor it may be possible to increase vehicle fuel economy since the engine may not be required to continue operating for the sole purpose of producing vacuum or reducing engine heat. In addition, accessory pumps (e.g., engine coolant pump, fuel pumps, transmission pumps,

vacuum pumps, and air conditioning pumps) account for a high percentage of parasitic engine load. The parasitic losses of these pumps can be reduced by operating the pumps on an as-needed basis and by operating the pumps at efficient operating conditions. Together, these measures reduce fuel consumption, thus conserving energy resources.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced from the combustion of fossil fuels. As explained above and set forth in claim 1, the claimed invention reduces fuel consumption by providing an engine accessory drive system, thus reducing CO_2 emissions.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

/John D. Russell/
John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicants/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,889	11/02/2010	Cliff Maki	83167247	2385

36865 7590 04/12/2011

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER	
ART UNIT	PAPER NUMBER
3783	

MAIL DATE	DELIVERY MODE
04/12/2011	PAPER

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
MAKI, CLIFF et al	:	DECISION ON PETITION
Application No. 12/917,889	:	TO MAKE SPECIAL UNDER
Filed: Nov. 2, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83167247	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 31, 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.

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

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3783 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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

PTO/SB/420 (11-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: ID0216US	Application Number (if known): 12/917,996	Filing date: November 2, 2010
First Named Inventor: Robert Bartek		
Title: CATALYTIC HYDROPYROLYSIS OF ORGANOPHILLIC BIOMASS		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: Preliminary Amendment

Signature	Date 12-17-2010
Name (Print/Typed) Jeffrey R. Anderson	Registration Number 42,263

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

☐ *Total of _____ forms are submitted.

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/917,996	11/02/2010	Robert Bartek	ID0216US-CIP	2584

7590 02/04/2011

Jeffrey R. Anderson
Kior Inc.
13001 Bay Park Road
Pasadena, TX 77507

EXAMINER	
ART UNIT	PAPER NUMBER
1781	

MAIL DATE	DELIVERY MODE
02/04/2011	PAPER

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2/4/11

Jeffrey R. Anderson
Kior Inc.
13001 Bay Park Road
Pasadena TX 77507

In re Application of	:	
Robert Bartek et al.	:	DECISION ON PETITION
Application No. 12/917,996	:	TO MAKE SPECIAL UNDER
Filed: November 02, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. ID0216US-CIP	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 17, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

02 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
Chicago, IL 60606

In re Application of	:	
MASTROPIETRO	:	
Application No.: 12/918,047	:	
PCT No.: PCT/US2008/012426	:	DECISION ON PETITION
Int. Filing Date: 03 November 2008	:	
Priority Date: 08 November 2007	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 247079-000755USPX	:	
For: GAMING SYSTEM AND METHOD EMPLOYING EVENT ELIGIBILITY - BASED EQUITY FOR A WAGERING GAME	:	

The petition to revive under 37 CFR 1.137(b) filed 17 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX NY 10471-0900

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of :
Bernard Prandi et al. :
Application No. 12/918,105 : DECISION ON PETITION
Filed: October 29, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. 30065 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 3, 2011, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence showing such as a doctor's certificate or other medical certificate that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition includes doctor's certificate. 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 Office of Patent Application Processing (OPAP) for action on the merits commensurate with this decision.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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

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

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

Application No:	12/918,108	Filing date:	August 18, 2010
First Named Inventor:	Atsushi NAKAMURA et al.		
Title of the Invention:	OPTICAL RECORDING METHOD, OPTICAL RECORDING DEVICE, MASTER MEDIUM EXPOSURE DI		

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/JP2009/005141

The international date of the corresponding PCT application(s) is/are: October 5, 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.:	12/918,108
First Named Inventor:	Atsushi NAKAMURA 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 August 18, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on August 18, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US claim 1 corresponds to PCT/JP2009/005141 claim 1
2	2	US claim 2 corresponds to PCT/JP2009/005141 claim 2
3	3	US claim 3 corresponds to PCT/JP2009/005141 claim 3
5	5	US claim 5 corresponds to PCT/JP2009/005141 claim 5
6	6	US claim 6 corresponds to PCT/JP2009/005141 claim 6
7	7	US claim 7 corresponds to PCT/JP2009/005141 claim 7
8	8	US claim 8 corresponds to PCT/JP2009/005141 claim 8
9	9	US claim 9 corresponds to PCT/JP2009/005141 claim 9
10	10	US claim 10 corresponds to PCT/JP2009/005141 claim 10
11	11	US claim 11 corresponds to PCT/JP2009/005141 claim 11
12	12	US claim 12 corresponds to PCT/JP2009/005141 claim 12
13	13	US claim 13 corresponds to PCT/JP2009/005141 claim 13
14	14	US claim 14 corresponds to PCT/JP2009/005141 claim 14
15	15	US claim 15 corresponds to PCT/JP2009/005141 claim 15
16	16	US claim 16 corresponds to PCT/JP2009/005141 claim 16
17	17	US claim 17 corresponds to PCT/JP2009/005141 claim 17
18	18	US claim 18 corresponds to PCT/JP2009/005141 claim 18
19	19	US claim 19 corresponds to PCT/JP2009/005141 claim 19
20	20	US claim 20 corresponds to PCT/JP2009/005141 claim 20

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

Signature /Mark D. Saralino/	Date October 28, 2010
Name (Print/Typed) Mark D. Saralino	Registration Number 34,243

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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1621 EUCLID AVENUE
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CLEVELAND OH 44115

MAIL

DEC 03 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
NAKAMURA, ATSUSHI, et al.
Application No. 12/918,108
Filed: August 18, 2010
Attorney Docket No. **OKUDP0514US**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed October 28, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

(6) Examination of the U.S. application has not begun;
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

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

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

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

In re Application of	:	DECISION
COLIN et al.	:	
Application No.: 12/918,159	:	
PCT No.: PCT/FR2009/050415	:	
Int. Filing Date: 12 March 2009	:	
Priority Date: 14 March 2008	:	
Attorney Docket No.: 146497	:	
For: METHOD FOR THE REAL-TIME DETECTION OF MICROORGANISMS IN A LIQUID CULTURE MEDIUM BY AGGLUTINATION	:	

This decision is in response to applicants' "REQUEST FOR CORRECTION OF NOTICE OF ACCEPTANCE AND PALM RECORDS," which has properly been treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 26 October 2010.

BACKGROUND

On 12 March 2009, applicants filed international application PCT/FR2009/050415 which designated the US and claimed a priority date of 14 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 08 October 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 September 2010.

On 18 August 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, a copy of an executed declaration under PCT Rule 4.17(iv) filed during the international phase and an English translation thereof, and an express request to being national examination procedures.

On 13 September 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration in compliance with 37 CFR 1.497(a)-(b) was required because the declaration filed 18 August 2010 "is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68."

On 28 September 2010, applicants filed a response stating that an originally executed declaration of inventors was filed on 18 August 2010 along with an English-language translation of the declaration. The response was accompanied by copies of both the executed declaration filed under PCT Rule 4.17(iv) and the English translation.

On 20 October 2010, the DO/EO/US issued a Filing Receipt and a 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 of 28 September 2010 and a 35 U.S.C. 371 date of 28 September 2010.

On 26 October 2010, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date be changed from 28 September 2010 to 18 August 2010.

The NOTIFICATION OF MISSING REQUIREMENTS issued 13 September 2010 indicated that a declaration of inventorship was required. However, an executed declaration of inventorship under PCT Rule 4.17(iv) was filed in the international application within the time limit under PCT Rule 26ter.1. This declaration is acceptable. Accordingly, the NOTIFICATION OF MISSING REQUIREMENTS issued 13 September 2010 is hereby VACATED.

Additionally, because the declaration of inventorship under PCT Rule 4.17 is acceptable, the NOTICE OF ACCEPTANCE OF APPLICATION issued 20 October 2010 contained the incorrect 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 date. Thus, the NOTICE OF ACCEPTANCE and the Filing Receipt are hereby VACATED.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

For the reasons set forth above, the NOTIFICATION OF MISSING REQUIREMENTS issued 13 September 2010 is **VACATED**.

For the reasons set forth above, the Filing Receipt and the NOTICE OF ACCEPTANCE issued 20 October 2010 are **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for (1) mailing of a

corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating both the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and the 35 U.S.C. 371 dates as **18 August 2010** and (2) mailing of a corrected Filing Receipt.

/Daniel Stemmer/

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

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PCT LEGAL ADMINISTRATION

DILWORTH & BARRESE, LLP
1000 WOODBURY ROAD
SUITE 405
WOODBURY NY 11797

In re Application of :
BIGORRA LLOSAS, Joaquin, et al. :
Application No.: 12/918,170 :
PCT No.: PCT/EP2009/000934 :
Int. Filing Date: 11 February 2009 :
Priority Date: 20 February 2008 : DECISION
Attorney Docket No.: 1010-173 :
For: USE OF AMIDES AND/OR POLYAMIDES AS AUXILIARY AGENTS FOR ASPHALT AND BITUMEN COMPOSITIONS :

This decision is in response to applicant's petition under 37 CFR 1.181 to vacate the Notification of Missing Requirements (Form PCT/DO/EO/905), filed in the United States Patent and Trademark Office on 22 September 2010.

BACKGROUND

On 09 September 2010, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905), indicating *inter alia*, an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 22 September 2010, applicants filed a Response to the Notification of Missing Requirements indicating that a declaration in compliance with 37 CFR 1.497(a)-(b) was filed during the international phase and supplied a copy of the declaration.

DISCUSSION

A review of the Request form located a Rule 4.17 declaration that appears to have been filed with the international application, despite the publication not noting it. The declaration complies with 37 CFR 1.497(a)-(b). As such, the Notification of Missing Requirements requesting an oath or declaration and the surcharge should not have issued.

CONCLUSION

For the reasons discussed above, applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 09 September 2010 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

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John K. Park
Park Law Firm
3255 Wilshire Blvd., Suite 1110
Los Angeles, CA 90010

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AUG 20 2010

PCT LEGAL ADMININSTRATION

In re Application of	:
Kim	:
Application No.: 12/918,180	:
PCT No.: PCT/KR2008/007891	:
Int. Filing Date: 31 December 2008	: DECISION ON
Priority Date: 04 January 2008	: PETITION
Attorney's Docket No.: 2102.010	: UNDER 37 CFR 1.137(b)
For: APPARATUS OF LIQUID INJECTING FOR LIFTING MAXILLARY SINUS MUCOUS MEMBRANCE AND THE METHOD FOR THE SAME UTILIZING THIS APPARATUS	:

This decision is responsive to the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)" filed 18 August 2010.

BACKGROUND

On 31 December 2008, applicants filed international application PCT/KR2008/007891, which claimed priority of earlier Korean applications, the earliest of which was filed 04 January 2008. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 06 July 2010.

International application PCT/KR2008/007891 became abandoned as to the United States for failure to timely submit the requisite basic national fee.

On 18 August 2010, applicants filed application papers for entry into the national stage in the United States. These papers included a declaration of inventorship, the basic national fee and a petition under 37 CFR 1.137(b). These papers were assigned U.S. Serial No. 12/918,180.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of $55.

The instant petition includes the required statement, a proper reply and the petition fee. Therefore, the petition is granted.

CONCLUSION

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

The application is being returned to the United States Designated/Elected Office for 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). Form PCT/DO/EO/905 should indicate that the submitted declaration contains foreign language text but does not use an official form provided by the USPTO, i.e., USPTO form PTO/SB/110. Applicant must submit either (1) a declaration using USPTO Form PTO/SB/110 or (2) a statement that the translation contained in the submitted declaration is accurate. See 37 CFR 1.69(b).

Debra S. Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: (571) 272-3280

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.
12/918,199	12/03/2010	Masafumi Masuda	365921US8PCT	6661

22850 7590 08/05/2011

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

EXAMINER	
BOST, DWAYNE D	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
08/05/2011	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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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of
MASUDA et al.
Application No.: 12/918,199
Filed: 03 December 2010
Attorney Docket No.: 365921US8PCT
For: MOBILE COMMUNICATION SYSTEM, LOCATION REGISTRATION METHOD ...

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 28 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

iii. contains no priority claim;

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

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

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

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

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

Lee W. Young
TQAS, Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/918,226	08/18/2010	Kunio Oshima	04676.0304	6800

22852 7590 09/07/2011

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
KIFLE, BRUCK	

ART UNIT	PAPER NUMBER
1622	

MAIL DATE	DELIVERY MODE
09/07/2011	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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SEP 07 2011

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of:
Oshima et al.
Serial No.: 12/918,226
Filed: August 18, 2010
Attorney Docket No.: **04676.0304**

: PETITION DECISION

This is a corrected decision and is in response to the petition under 37 CFR § 1.59(b), filed April 27, 2011, to expunge information from the above identified application. **This application has not been allowed**, contrary to the statement in the uncorrected decision mailed September 6, 2011.

Petitioner requests that the Information Disclosure Statement filed April 19, 2011 be expunged from the record because it was unintentionally submitted in the above-identified application. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Michael L. Dunn
Simpson & Simpson, PLLC
5555 Main Street
Williamsville, NY 14221

MAILED

JUN 06 2011

PCT LEGAL ADMINISTRATION

In re Application of
PANDEY et al.
Application No.: 12/918,232
PCT No.: PCT/US2009/001029
Int. Filing Date: 19 February 2009
Priority Date: 19 February 2008
Attorney Docket No.: RPP193US
For: SILICA NANOPARTICLES POSTLOADED WITH PHOTOSENSITIZERS FOR DRUG DELIVERY IN PHOTODYNAMIC THERAPY

DECISION
REGARDING
SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the declaration filed 22 November 2010 which is being treated as a Submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 19 February 2009, applicant filed international application PCT/US2009/001029 which claimed a priority date of 19 February 2008. On 27 August 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 19 August 2010 (thirty months from the priority date).

On 18 August 2010, applicant filed a request 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 an application data.

On 22 September 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. The notification set a two-month time limit in which to respond.

On 22 November 2010, applicant filed a declaration executed by: Ravindra K. PANDEY, Lalit N. GOSWAMI, Janet MORGAN, Paras PRASAD, Earl BERGEY, and Stephanie PINCUS, on behalf of deceased inventor, Allan OSEROFF.

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 22 November 2010 was executed by Stephanie Pincus as "legal representative" to the deceased inventor, Allan Oseroff. 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

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MICHAEL L. DUNN
SIMPSON & SIMPSON, PLLC
5555 MAIN STREET
WILLIAMSVILLE, NY 14221

MAILED
JUN 22 2011
PCT LEGAL ADMINISTRATION

In re Application of PANDEY et al :
U.S. Application No.: 12/918,238 :
PCT Application No.: PCT/US2009/001030 :
Int. Filing Date: 19 February 2009 :
Priority Date Claimed: 19 February 2008 : DECISION
Attorney Docket No.: RPP196US :
For: B RING REDUCED-D RING OXIDIZED :
TETRAPYROLLIC PHOTOSENSITIZERS :
FOR PHOTODYNAMIC THERAPY AND :
TUMOR IMAGING :

This is in response to applicant's correspondence filed 14 December 2010, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 19 February 2009, applicant filed international application PCT/US2009/001030, which claimed priority of an earlier United States application filed 19 February 2008. The thirty-month period for paying the basic national fee in the United States expired on 19 August 2010.

On 18 August 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 14 September 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 December 2010, applicant filed the present request for status under 37 CFR 1.42 along with executed declarations.

DISCUSSION

The declaration indicates that joint inventor Allan Oseroff is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 14 December 2010 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 19 February 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 December 2010.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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A Professional Association
P.O. Box 142950
Gainesville, FL 32614-2950

MAILED

JUN 13 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KUMAR *et al* :
U.S. Application No.: 12/918,265 :
PCT No.: PCT/US2009/001139 :
Int. Filing Date: 23 February 2009 :
Priority Date: 21 February 2008 :
Docket No.: USF.281XT :
For: NANOPARTICLE TARGETED DRUG DELIVERY TO THE LUNGS USING EXTRA-TESTICULAR SERTOLI CELLS :

DECISION

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

BACKGROUND

On 20 September 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 20 April 2011, applicants filed the subject petition which was accompanied by, *inter alia*, a $65.00 surcharge fee; a $200.00 petition fee; a five-month extension and $1,175.00.00 extension fee; a declaration signed on behalf of the nonsigning inventor; a declaration of Donna Herber; and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventor, Dr. Don F. CAMERON, refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

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

Applicants submitted the $200.00 petition fee. The last known address of the nonsigning inventor was provided in the petition. A declaration signed by two of the three named inventors was provided. This declaration complies with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(a)(A).

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.

Regarding item (2), the 37 CFR 1.47(a) applicants provided a declaration of Dr. Donna Herber, a Licensing Manager for the University of South Florida, who details her efforts in obtaining the signature of the nonsigning inventor. These efforts included sending a copy of an assignment and a declaration to Dr. CAMERON via email and personally meeting with him several times. Dr. Herber states that Dr. CAMERON refused to sign the declaration when she talked to him, and that an executed declaration has not been returned by him.

MPEP § 409.03(d)(II) requires that for a refusal to be accepted, the 37 CFR 1.47(a) applicants must show that a complete copy of the application, including specification, claims and drawings, were presented (or attempted to be presented) to the nonsigning inventor.

A review of the evidence shows that a copy of the preliminary amendment with amended claims was submitted to Dr. CAMERON on 23 August 2010 via email. However, there is no indication that a complete copy of the subject application was provided to Dr. CAMERON at any time. Dr. Herber does not state that the nonsigning inventor received a complete copy of the subject application and the documentary evidence does not show that a complete copy of the application was attached to any of the documents mailed to Dr. CAMERON either. As such, a refusal to cooperate cannot be shown.

Item (2) of 37 CFR 1.47(a) is not yet satisfied.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

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

Any further correspondence may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office"

or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Gainesville, FL 32614-2950

MAILED

OCT 28 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KUMAR *et al* :
U.S. Application No.: 12/918,265 :
PCT No.: PCT/US2009/001139 :
Int. Filing Date: 23 February 2009 :
Priority Date: 21 February 2008 :
Docket No.: USF.281XT :
For: NANOPARTICLE TARGETED DRUG DELIVERY TO THE LUNGS USING EXTRA-TESTICULAR SERTOLI CELLS :

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 13 September 2011.

BACKGROUND

On 13 June 2011, a decision dismissing applicants' petition under 37 CFR 1.47(a) was filed. Applicants were given two months to respond.

On 13 September 2011, applicants filed the renewed response which was accompanied by, *inter alia*, a one-month extension and fee and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that Don F. CAMERON refuses to cooperate.

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

Items (1), (3) and (4) of 37 CFR 1.47(a) were satisfied in the initial petition

Item (2) of 37 CFR 1.47(a) was held not to be satisfied as there was no indication that a complete copy of the subject application was provided to the nonsigning inventor. As such, a refusal to cooperate by conduct could not be shown.

In the renewed response, the 37 CFR 1.47(a) applicants have provided email evidence showing that a copy of the international application (PCT/US2009/001139) was provided to the nonsigning inventor via email on 27 February 2009 and 14 April 2009. A copy of the preliminary amendment with amended claims was submitted to Dr. CAMERON on 23 August 2010 via email. Accordingly, applicants have shown that Dr. CAMERON has been presented with a complete copy of the subject application prior to his discussions with Ms. Donna Herber.

A further review of the evidence shows that the conduct of Dr. CAMERON constitutes a refusal by conduct as contemplated by MPEP § 409.03(d)(II).

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

CONCLUSION

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 the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 23 February 2009 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 20 April 2011.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Don F. Cameron
18206 Clear Lake Drive
Lutz, FL 33549

MAILED

OCT 28 2011

PCT LEGAL ADMINISTRATION

In re Application of
KUMAR *et al*
U.S. Application No.: 12/918,265
PCT No.: PCT/US2009/001139
Int. Filing Date: 23 February 2009
Priority Date: 21 February 2008
Docket No.: USF.281XT
For: NANOPARTICLE TARGETED DRUG DELIVERY TO THE LUNGS USING EXTRA-TESTICULAR SERTOLI CELLS

Dear Mr. Cameron:

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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MAILED

OCT 26 2010

PCT LEGAL ADMINISTRATION

UNR/DRI Technology Transfer Office
UNR-DRI Technology Transfer Office, Mail stop 321
1664 N. Virginia St
Reno NV 89557

In re Application of :
MALEKOS, Steven, et al. :
U.S. App. No.: 12/918,292 (12/918,480) :
PCT No.: PCT/US2009/034527 :
Int. Filing Date: 19 February 2009 : DECISION
Priority Date: 19 February 2009 :
Attorney Docket No.: UNR05-011 :
For: TARGETS AND PROCESSES FOR :
FABRICATING SAME :

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 18 August 2010, applicant filed paperwork for the national phase entry of PCT/US2009/034527, but did not include fees. The paperwork was assigned application no. 12/918,292.

On 19 August 2010, applicant filed an authorization to charge fees in 12/918,292 and filed a second set of paperwork for the national phase entry of PCT/US2009/034527 along with fees. The second set of papers was assigned application no. 12/918,480.

On 24 September 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

DISCUSSION

Applicant has submitted multiple sets of papers for the national stage entry of international application number PCT/US2009/034527. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of multiple sets of national stage papers to enter the United States is improper. Accordingly, 12/918,292 and 12/918,480 have been consolidated into a single application, 12/918,292.

All future correspondence in regards to the national phase of PCT/US2009/034527 should use 12/918,292.

CONCLUSION

The time period set forth in the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 24 September 2010, continues to run.

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

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/918,300	Filing date:	August 18, 2010
First Named Inventor:	Yun Young Nam		
Title of the Invention:	Method of Realtime Target Detection Based on Reduced Complexity Hyperspectral Processing		

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

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

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

The corresponding PCT application number(s) is/are: PCT/KR2008/001840

The international date of the corresponding PCT application(s) is/are: April 2, 2008

I. List of Required Documents:

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

☒ Is attached.

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/918,300
First Named Inventor:	Yun Young Nam

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	Identical with formal changes
2	2	Identical with formal changes
3	3	Identical with formal changes
4	4	Same
5	5	Same

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

Signature /Kisuk Lee/	Date August 18, 2010
Name (Print/Typed) Kisuk Lee	Registration Number L0,512

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/918,300	08/18/2010	Yun Young Nam	15138-000016/US/NP	7297

28997 7590 08/11/2011
HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS, MO 63105

EXAMINER	
BELLA, MATTHEW C	

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
08/11/2011	PAPER

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

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

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HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS MO 63105

In re Application of
NAM et al.
Application No.: 12/918,300
Filed: 18 August 2010
Attorney Docket No.: 15138-000016/US/NP
For: METHOD FOR REALTIME TARGET DETECTION BASED ON REDUCED COMPLEXITY HYPERSPECTRAL PROCESSING

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 18 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, IPAU, Russia, Spain, Finland, Austria, or USPTO;

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

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

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

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

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

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

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

Requirements (1), (3), (5) and (7-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (4) and (6).

Regarding the requirement of condition (4), applicant has failed to ensure that all the claims in the US application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application(s). For example, PCT claim 1 recites "based on hyperspectral processing" but this limitation is not required by US claim 1.

Regarding the requirement of condition (6), applicant has failed to submit a copy of the Written Opinion (PCT/ISA/237).

Regarding the requirement of condition (2), it cannot be determined if requirement (2) has been met since requirement (6) has not been met.

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

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

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

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

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	12/918,300
Filing Date:	August 18, 2010
Applicant:	Yun Young NAM, *et al*.
Group Art Unit:	2624
Examiner:	Bella, Matthew C.
Confirmation No.:	7297
Title:	METHOD FOR REALTIME TARGET DETECTION BASED ON REDUCED COMPLEXITY HYPERSPECTRAL PROCESSING
Attorney Docket:	15138-000016/US/NP

SUBMITTED ELECTRONICALLY VIA EFS -WEB

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

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

Dear Sir:

On 11 August 2011, the USPTO dismissed Applicant's Petition and Request to Participate in the PCT Patent Prosecution Highway Pilot Program on the grounds that the Petition fails to provide a copy of ISA/237 form that indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability, as required and applicant failed to ensure all the claims in US application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application.

With regard to Requirements (2) and (6) of the Decision on PCT-PPH dated 11 August 2011, Applicant submits herewith a copy of the PCT Written Opinion of the International Searching Authority (Form PCT/ISA/237) in PCT Application No. PCT/KR2008/001840. The Written Opinion clearly indicates that Claims 1-5 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step, and the claims are industrially applicable under PCT Article 33(4).

With regard to Requirement (4), Applicant co-files Preliminary Amendment, amending Claim 1, to ensure that Claim 1 of the instant application sufficiently corresponds to Claim 1 of PCT Application No. PCT/KR2008/001840 which has been determined to have novelty, inventive step and industrial applicability, as shown in the PCT Written Opinion.

Accordingly, the U.S. Application No. 12/918,300 is believed to have met all the requirements necessary to be eligible to participate in the PCT-PPH pilot program. Therefore, Applicant respectfully requests approval of the request for the PCT Patent Prosecution Highway Pilot Program for U.S. Patent Application 12/918,300.

It is believed that no fees are due in connection with this response. If, however, Applicants owed any fee(s), the Commissioner is hereby authorized to charge such fee(s) to Deposit Account No. **08-0750**.

Respectfully submitted,

Dated: 17 August 2011

By: /Kisuk Lee/
Kisuk Lee, Reg. No. 66,861
Attorney for Applicant

HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme, Ste. 400
St. Louis, MO 63105
(314) 446-7670 (direct)
(314) 726-7501 (facsimile)

Attachment:
A copy of the PCT Written Opinion of the International Searching Authority in PCT Application No. PCT/KR2008/001840

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.
12/918,300	08/18/2010	Yun Young Nam	15138-000016/US/NP	7297

28997 7590 08/23/2011

HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS, MO 63105

EXAMINER	
BELLA, MATTHEW C	

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
08/23/2011	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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HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS MO 63105

In re Application of
NAM et al.
Application No.: 12/918,300
Filed: 18 August 2010
Attorney Docket No.: 15138-000016/US/NP
For: METHOD FOR REALTIME TARGET DETECTION BASED ON REDUCED COMPLEXITY HYPERSPECTRAL PROCESSING

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 18 August 2010 and renewed on 17 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

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 2600

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

PTO/SB/20PCT-EP (01-10)
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:	12918304	Filing date:	18-AUG-2010
First Named Inventor:	Phillip W. Blattner		
Title of the Invention:	Antimicrobial Packaging 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.

The corresponding PCT application number(s) is/are: PCT/US10/45578

The international date of the corresponding PCT application(s) is/are: 16-AUG-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.**

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 _____

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

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

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

(continued)

Application No.:	12918304
First Named Inventor:	Phillip W. Blattner

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	The packing system of claim 1 is different than those of D1-D5 in that the packaging system of claim 1
		includes one or more air dispensers at least partially inflating a package with air and one or more liquid
		dispensers at least partially coating the interior surface of the package with a sanitizing agent.
		Therefore, claim 1 is novel and involves an inventive step under PCT Article 33(2) and (3)
2-9	2-9	Claims 2-9 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3)
10,16	10,16	The independent claims 10 and 16 also have the feature of claim 1 which is not disclosed in D1-D5.
		Accordingly, claims 10 and 16 are not anticipated by the documents nor obvious to a person skilled in
		the art by the documents, taken alone or in combination. Therefore, claims 10 and 16 are novel and
		involve an inventive step under PCT Article 33(2) and (3)
11-15, 17-20	11-15, 17-20	Claims 11-15 and 17-20 are dependent on claims 10 and 16, respectively, and therefore meet the
		requirements of PCT Article 33(2) and (3)
1-20	1-20	Claims 1-20 are industrially applicable under PCT Article 33(4)

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

IV. Payment of Fees:

The petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) must be paid via EFS-Web (using credit card, authorization to charge a deposit account, or electronic funds transfer).

Signature /Michael J. Frodsham/	Date July 21, 2011
Name (Print/Typed) Michael J. Frodsham	Registration Number 48,699

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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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/918,304	08/18/2010	Phillip W. Blattner	18219.1a.1	7345

22913 7590 09/14/2011

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER	
ART UNIT	PAPER NUMBER
1781	

MAIL DATE	DELIVERY MODE
09/14/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

September 14, 2011

In re application of Phillip Blattner et al Serial No. 12/918,304 Filed: August 18, 2010 For: ANTIMICROBIAL PACKAGNG SYSTEM	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

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

The request and petition are **DISMISSED**.

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

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

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

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

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

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

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

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

The request to participate in the PPH program and petition fail because:

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

It is noted that while a copy of the International Search Report can be obtained from the file of the PCT, a copy of the Written Opinion of the International Searching Authority has not been provided, nor could one be obtained.

Furthermore, as a copy of the Written Opinion of the International Searching Authority has not been provided, it is unclear if at least one claim in the PCT application is free of any observations in Box VIII in the latest work product in the international stage. If at least one claim in the PCT application has novelty, inventive step, and industrial applicability and is not free of any observations in Box VIII in the latest work product in the international stage, applicant must identify and explain why the claim(s) is/are not subject to the observations in Box VIII

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

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

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

Filed via EFS

PATENT APPLICATION
Docket No.: 18219.1a.1

In re application of		)
		)
	Phillips W. Blattner, et al.	)
		)
Serial No.:	12/918,304	)
		)
Confirmation No.:	7345	) Art Unit
		) Unknown
Filing Date:	August 18, 2010	)
		)
For:	ANTIMICROBIAL PACKAGING SYSTEM	)
		)
Examiner:	Unassigned	)

RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.101(a)

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

Sir:

In response to the Decision on Petition Under 37 CFR 1.102(a) dated September 14, 2011, submitted herewith are the PCT claims as published, and the International Search Report and Opinion. The Request for Participation in the Patent Cooperation Treaty previously filed on July 21, 2011, was inadvertently submitted without these documents.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment in regard to this matter to Deposit Account No. 23-3178.

Dated this 27th day of September, 2011.

Respectfully submitted,

/Michael J. Frodsham/

Michael J. Frodsham
Registration No. 48,699
Attorney for Applicant
Customer No. 22913
Telephone No. (801) 533-9800

MJF/kn
33496711_1

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/918,304	08/18/2010	Phillip W. Blattner	18219.1a.1	7345

22913 7590 10/24/2011

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER	
THAKUR, VIREN A	
ART UNIT	PAPER NUMBER
1782	
MAIL DATE	DELIVERY MODE
10/24/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

October 24, 2011

In re application of	:	DECISION ON REQUEST TO
Phillip Blattner et al	:	PARTICIPATE IN PATENT
Serial No. 12/918,304	:	PROSECUTION HIGHWAY
Filed: August 18, 2010	:	PROGRAM AND
For: ANTIMICROBIAL	:	PETITION TO MAKE SPECIAL
PACKAGNG SYSTEM	:	UNDER 37 CFR 1.102(a)

This is a decision on the supplemental request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed September 27, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 09 2010

PCT LEGAL ADMINISTRATION

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

In re Application of :
BORODY, Thomas Julius :
Application No.: 12/918,310 :
PCT No.: PCT/AU2009/000129 :
Int. Filing Date: 05 February 2009 : DECISION
Priority Date: 08 February 2008 :
Att. Docket No.: RICE-101 :
For: METHODS AND COMPOSITIONS :
FOR TREATING INFLAMMATORY :
BOWEL DISEASE :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 18 August 2010, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The fee for filing the search fee, examination fee or oath or declaration after 30 months from the priority date will be charged to deposit account no. 50-0815, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

FEB 10 2011

PCT LEGAL ADMINISTRATION

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

Oliver Intellectual Property LLC
P.O. Box 1670
Cotuit MA 02635

In re Application of :
KOCH, Thomas :
U.S. App. No.: 12/918,318 :
PCT No.: PCT/EP2008/010769 :
Int. Filing Date: 17 December 2008 : DECISION
Priority Date: 19 February 2008 :
Docket No.: 870-001-160 :
For: BATTERY HAVING CLOSING PLUG :

This decision is issued in response to applicant's "Refund for Refund (Improper Charge of Deposit Account) filed in the United States Patent and Trademark Office (USPTO) on 27 September 2010. In a correspondence dated 05 November 2010, applicant's request for refund was dismissed (without prejudice). Therefore, this application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371.

Applicant is requesting a refund in the amount of $195 for the multiple dependent claims fees charged to Deposit Account no. 50-4732 on 22 September 2010.
The present request states that a preliminary amendment was filed on 18 August 2010, which eliminated the multiplicity of the claims and that the multiple dependent claims fee is not required. A review of the application and preliminary amendment filed on 18 August 2010 to initiate this national stage application reveals that the multiple dependent claims have been removed. Accordingly, the $195 additional charge made to applicant's Deposit Account on 22 September 2010 was therefore unnecessary. This $195 will therefore be refunded to Deposit Account No. 50-4732.

Applicant's Request For Refund is **GRANTED**. Deposit Account No. 50-4732 has been credited $195.

This application is being returned to the Art Unit 4151.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED
FEB 07 2012
OFFICE OF PETITIONS

In re Application of :
Carmeli et al. :
Application No. 12/918,352 : ON PETITION
Filed: 08/19/2010 :
Attorney Docket No. 49295 :

This is in response to the Petition to Accept Color Drawing/Photographs, filed in the United States Patent and Trademark Office (USPTO) on August 19, 2010, which is treated as a petition under 37 CFR 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 assert that the necessity for the Color Drawings is to show the mechanical and electrochemical features of the devices of some embodiments of the invention.

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 2814.

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

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

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

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

Application No:	12/918,394	Filing date:	August 19, 2010
First Named Inventor:	Marcel Buse		
Title of the Invention:	Compressor Unit		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2009/051919

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

February 18, 2009

I. List of Required Documents:

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

☐ Is attached

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

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

☐ Is attached.

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

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

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

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

(continued)

Application No.:	12/918,394
First Named Inventor:	Marcel Buse

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on August 19, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on August 19, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
8	1	US claim as per Preliminary Amendment filed 08/19/2010
9	2	US claim as per Preliminary Amendment filed 08/19/2010
10	3	US claim as per Preliminary Amendment filed 08/19/2010
11	4	US claim as per Preliminary Amendment filed 08/19/2010
12	5	US claim as per Preliminary Amendment filed 08/19/2010
13	-	US claim as per Preliminary Amendment filed 08/19/2010
14	6	US claim as per Preliminary Amendment filed 08/19/2010
15	7	US claim as per Preliminary Amendment filed 08/19/2010
16	-	US claim as per Preliminary Amendment filed 08/19/2010

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

Signature /Tina Gonka/	Date May 02, 2011
Name (Print/Typed) Tina Gonka	Registration Number L0623

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/918,394	08/19/2010	Marcel Buse	2008P00318WOUS	8008

22116 7590 05/04/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
3746	

MAIL DATE	DELIVERY MODE
05/04/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of	:
BUSE, MAR et al	: DECISION ON REQUEST TO
Application No. 12/918,394	: PARTICIPATE IN PATENT
Filed: Aug. 19, 2010	: PROSECUTION HIGHWAY
Attorney Docket No 2008P00318WOUS	: PILOT PROGRAM AND PETITION
For: COMPRESSOR UNIT	: TO MAKE SPECIAL

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 2, 2011 to make the above-identified application special.

The request and petition are Granted.

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

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

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

All other inquiries concerning the examination or status of the application should be directed to Devon Kramer, the SPE of Art Unit 3746 and (571)272-7118 for Class 417/53 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

MAILED

OCT 12 2010

PCT LEGAL ADMINISTRATION

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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GLOBAL IP SERVICES
7285 W. Eagle Court
Winton CA 95388

In re Application of	:	
LI et al.	:	
Application No.: 12/918,429	:	DECISION ON
PCT No.: PCT/CN2008/000243	:	
Int. Filing Date: 31 January 2008	:	PETITION UNDER
Priority Date: 22 November 2007	:	
Attorney Docket No.: QLU-118US	:	37 CFR 1.137(b)
For: BUTTON TYPE CELL BATTERY WITH METALLIC FRAMEWORK	:	

This decision is in response to applicants' submission filed 19 August 2010.

BACKGROUND

On 31 January 2008, applicants filed international application PCT/CN2008/000243 which designated the U.S. and claimed a priority date of 22 November 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 28 May 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 May 2010 (22 May 2010 being a Saturday).

On 19 August 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. basic national fee, a declaration of inventors, and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 19 August 2010..

As to item (2), applicant submitted the petition fee on 19 August 2010.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the 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.

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

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOHNS HOPKINS TECHNOLOGY TRANSFER
100 N. CHARLES ST.
5TH FLOOR
BALTIMORE, MD 21201

MAILED
JUL 19 2011
PCT LEGAL ADMINISTRATION

In re Application of MELTZER et al	:	
U.S. Application No.: 12/918,438	:	
PCT Application No.: PCT/US2009/034508	:	
Int. Filing Date: 19 February 2009	:	DECISION
Priority Date Claimed: 19 February 2008	:	
Attorney Docket No.: P10304-03	:	
For: METHODS FOR PREDICTING ESOPHAGEAL ADENOCARCINOMA (EAC)	:	

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 15 April 2011.

BACKGROUND

On 19 February 2009, applicant filed international application PCT/US2009/034508, which claimed priority of an earlier United States application filed 19 February 2008. The thirty-month period for paying the basic national fee in the United States expired on 19 August 2010.

On 19 August 2010, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was assigned U.S. Application Number 12/918,438.

On 01 April 2011, this Office mailed a communication which stated that the 19 August 2010 was not a proper national stage submission.

On 15 April 2011, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

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

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
PCT Legal Examiner
PCT Legal Office

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

United States Patent and Trademark Office

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

MAILED

OCT 26 2010

PCT LEGAL ADMINISTRATION

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

In re Application of
Hwang et al.
Application No.: 12/918,442
PCT No.: PCT/KR2009/000737
Int. Filing Date: 17 February 2009
Priority Date: 19 February 2008
Attorney Docket No.: Q113029
For: Method And Apparatus For Using IPTV Service Based On API

DECISION

This is in response to the correspondence filed on 19 August 2010.

BACKGROUND

International application PCT/KR2009/000737 was filed on 17 February 2009, claimed an earliest priority date of 19 February 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 27 August 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 19 August 2010. Applicants filed *inter alia* a basic national fee in 12/918,442 on 19 August 2010.

DISCUSSION

Review of the records of the USPTO reveals that applicants, represented by Sughrue Mion, filed two sets of correspondence directed toward the national stage under 35 U.S.C. 371 of the instant international application. Both sets of correspondence were filed on 19 August 2010. The other set of correspondence was assigned to application no. 12/918,436.

Any particular international application culminates in a single national stage application in the United States; multiple national stage entries under 35 U.S.C. 371 are not permitted. Applicants have not advanced any request or adequate reason for any particular treatment of the applications, other than the instructions inherent in their filing. It is noted that processing of 12/918,442 has occurred up to the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905), whereas processing of 12/918,436 has not occurred to the same extent. Under the totality of the circumstances presented, it would be appropriate for counsel to clarify the desired status of the applications. Specifically, counsel should indicate whether duplicate applications were intended, or whether two copies of the same submission were filed inadvertently. Pending clarification of this matter, it would not be appropriate to continue processing of the application papers as filed.

DECISION

The application papers are **NOT ACCEPTED** under 35 U.S.C. 371, without prejudice.

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the mailing date of this Decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely reply will result in **ABANDONMENT**.

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States Patent and Trademark Office

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JUL 19 2011

PCT LEGAL ADMINISTRATION

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

In re Application of
Hwang et al.
Application No.: 12/918,442
PCT No.: PCT/KR2009/000737
Int. Filing Date: 17 February 2009
Priority Date: 19 February 2008
Attorney Docket No.: Q113029
For: Method And Apparatus For Using IPTV Service Based On API

DECISION

This is in response to the correspondence filed on 21 December 2010.

DISCUSSION

In a Decision mailed on 26 October 2010, applicants were advised that

> Review of the records of the USPTO reveals that applicants, represented by Sughrue Mion, filed two sets of correspondence directed toward the national stage under 35 U.S.C. 371 of the instant international application. Both sets of correspondence were filed on 19 August 2010. The other set of correspondence was assigned to application no. 12/918,436.
>
> Any particular international application culminates in a single national stage application in the United States; multiple national stage entries under 35 U.S.C. 371 are not permitted. Applicants have not advanced any request or adequate reason for any particular treatment of the applications, other than the instructions inherent in their filing. It is noted that processing of 12/918,442 has occurred up to the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905), whereas processing of 12/918,436 has not occurred to the same extent. Under the totality of the circumstances presented, it would be appropriate for counsel to clarify the desired status of the applications. Specifically, counsel should indicate whether duplicate applications were intended, or whether two copies of the same submission were filed inadvertently. Pending clarification of this matter, it would not be appropriate to continue processing of the application papers as filed.

In response, counsel clarifies that the duplicate applications were filed inadvertently, and that applicants intend the instant application as the national stage entry of PCT/KR2009/000737. The petition states that "Applicant submitted an Express Abandonment Under 37 CFR 1.138 for Application No. 12/918,436 on August 23, 2010," but no such paper is currently present in the electronic application file. Review of the record reveals that no fees have been charged and applied to 12/918,436. In view of the totality of the circumstances presented, it would be appropriate to combine the applications. Application 12/918,436 will be deactivated, and the papers therein will be placed into 12/918,442. All further correspondence should be directed toward 12/918,442.

DECISION

The petition is **GRANTED** as described above.

This application is being returned to the Office of Patent Application Processing for continued processing as the national stage of PCT/KR2009/000737.

/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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35893
GREENBERG TRAURIG (BOS)
Attn: Patent Administrator
One International Place, 20th Floor
Boston, MA 02110

MAILED

JUN 24 2011

PCT LEGAL ADMINISTRATION

In re Application of :
RABINOWITZ *et al* :
Application No.: 12/918,445 :
PCT No.: PCT/US2009/034506 :
Int. Filing Date: 19 February 2009 : **DECISION**
Priority Date: 19 February 2008 :
Attorney Docket No.: 118103-010201/US :
For: METHODS FOR CELL GENOTYPING :

This decision is in response to the "Request to Correct Filing Receipt" filed on 10 November 2010 which is treated under 37 CFR 1.181 and **GRANTED** as follows:

Applicants request that the filing receipt mailed 02 November 2010 be amended to included priority claims 61/066,268 filed 19 February 2008, 61/188,343 filed 08 August 2008 and 61/194,854 filed 01 October 2008.

A preliminary amendment and ADS containing the three priority claims were provided upon initial national stage filing. Moreover, the international application (PCT/US2009/034506) claimed priority to all three U.S. provisional applications. Therefore, a new filing receipt is warranted.

It is also noted that the Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) mailed 02 November 2010 did not include the international filing date or priority date.

The Form PCT/DO/EO/903 and filing receipt mailed 02 November 2010 contain missing data and are both **VACATED**.

This application is being forwarded to the DO/EO/US for mailing a corrected Form PCT/DO/EO/903 and filing receipt.

James Thomson
Attorney Advisor
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Tel.: (571) 272-3302

United States Patent and Trademark Office

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APR 19 2011

PCT LEGAL ADMINISTRATION

ALEJANDRO MARTINEZ
840 HAWKINS BLVD. SUITE C1
EL PASO TX 79915

In re Application of
Saravia Castillon
Application No.: 12/918,446
PCT No.: PCT/MX2008/000038
Int. Filing Date: 06 March 2008
Priority Date: 06 March 2008
Attorney Docket No.: N/A
For: Improved Roller For Painting Difficult-To-Access Rough Surfaces

DECISION ON PETITION

This is in response to the letter filed on 14 February 2011, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

This international application was filed on 06 March 2008, claimed no earlier priority date, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 11 September 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 06 September 2010. Applicant timely paid the basic national fee.

On 14 September 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant, 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

Applicant in effect requests vacatur of the Notification of Missing Requirements on the basis that the "Declaration filed on 08/19/2010 was actually signed." Inspection of said declaration reveals that it named and was signed by the inventor nominated in the published international application. This declaration satisfies the requirements of 37 CFR 1.497(a) and (b). As such, the Notification of Missing Requirements mailed on 14 September 2010 was issued in error, and accordingly it is hereby **VACATED**.

Inspection of the English translation filed on 19 August 2010 reveals that it is defective because the drawings include Spanish language text ("Figura").

DECISION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905)

requiring the submission of an English translation of the international application and the processing fee under 37 CFR 1.492(i).

/George Dombroske/
George Dombroske
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APR 20 2011

PCT LEGAL ADMINISTRATION

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

In re Application of :
JOURNADE, Frederic, et al. :
Application No.: 12/918,500 :
PCT No.: PCT/FR2009/050320 : DECISION
Int. Filing Date: 27 February 2009 :
Priority Date: 28 February 2008 : ON PETITION UNDER
Docket No.: 365071US41PCT :
For: ENGINE ASSEMBLY FOR AN AIRCRAFT COMPRISING ATTACHMENTS FOR ENGINES OFFSET BELOW ON THE FAN FRAME : 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 17 February 2011.

BACKGROUND

On 17 September 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 17 February 2011, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors and the fee for a three month extension of time.

On 16 March 2011, applicants filed a declaration executed by the previously non-signing inventors.

DISCUSSION

As applicants have obtained the cooperation of the previously non-signing inventors, this petition under 37 CFR 1.47(a) is moot. The $200 petition fee will be charged to deposit account no. 15-0030, as authorized.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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NOV 16 2010

PCT LEGAL ADMINISTRATION

Hewlett-Packard Company
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
Fort Collins, CO 80528

In re Application of: FELCMAN et al.
Application No.: 12/918,522
PCT No.: PCT/US2008/002264
Int. Filing Date: 20 February 2008
Priority Date: None
Attorney Docket No.: 200701885-3
For: MOUNTING ASSEMBLY FOR RACK EQUIPMENT

DECISION ON REQUEST

This decision is issued in response to applicant's "Request under 37 CFR 1.48" filed 20 August 2010. Applicant's request is being treated as a petition under 37 CFR 1.497(d), as explained below. The $130 petition fee has been charged to applicant's deposit account no. 08-2025, per authorization set forth in the Transmittal Letter (Form PTO-1390).

BACKGROUND

On 20 February 2008, applicant filed international application PCT/US2008/002264 which claimed no priority date. The international application named Chris F. Felcman, Brandon W. Fears, and Wolfram Rudiger as applicants/inventors. The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., 20 August 2010.

On 20 August 2010, applicant filed a transmittal letter for entry into the national stage in the United States which included the basic national fee, an executed declaration, and a Request under 37 CFR 1.48.

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 three applicant/inventor Chris F. Felcman; Brandon W. Fears, and Wolfram Rudiger for the United States. The present submission seeks to correct the inventorship so as to add inventor Gary S. Landrum to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive thus changed is different from the inventive entity identified in any such oath or declaration applicant must submit:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

Applicant has satisfied items (1), (2) and (4). However, in order to satisfy item (3), applicant is required to submit a written consent of assignee to the correction in inventorship in compliance with 37 CFR 3.73(b) (See Form PTO/SB/96), or written confirmation that no assignee exists.

CONCLUSION

For the reasons discussed above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice. 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
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UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

JAN 31 2011

PCT LEGAL ADMINISTRATION

In re Application of:
FELCMAN et al.
Application No.: 12/918,522
PCT No.: PCT/US2008/002264
Int. Filing Date: 20 February 2008
Priority Date: None
Attorney Docket No.: 200701885-3
For: MOUNTING ASSEMBLY FOR RACK EQUIPMENT

DECISION ON REQUEST

This decision is issued in response to applicant's response dated 14 January 2011. Applicant's request is being treated as a renewed petition under 37 CFR 1.497(d). No petition fee is due.

BACKGROUND

On 20 February 2008, applicant filed international application PCT/US2008/002264 which claimed no priority date. The international application named Chris F. Felcman, Brandon W. Fears, and Wolfram Rudiger as applicants/inventors. The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., 20 August 2010.

On 20 August 2010, applicant filed a transmittal letter for entry into the national stage in the United States which included the basic national fee, an executed declaration, and a Request under 37 CFR 1.48. In a decision dated 16 November 2010, applicant's request under 37 CFR 1.497(d) was dismissed without prejudice.

On 14 January 2011, applicant filed the present request under 37 CFR 1.497(d).

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 three applicant/inventor Chris F. Felcman, Brandon W. Fears, and Wolfram Rudiger for the United States. The present submission seeks to correct the inventorship so as to add inventor Gary S. Landrum 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 previously satisfied items (1), (2) and (4).

As to item (3), applicant has establish its ownership in accordance with 37 CFR 3.73, however, applicant has not submitted a written consent of the assignee regarding the additional inventor. Therefore, item (3) has not been satisfied.

CONCLUSION

For the reasons discussed above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice. A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision.

Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the

PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
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MAY 23 2011

PCT LEGAL ADMINISTRATION

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In re Application of:
FELCMAN et al.
Application No.: 12/918,522
PCT No.: PCT/US2008/002264
Int. Filing Date: 20 February 2008
Priority Date: None
Attorney Docket No.: 200701885-3
For: MOUNTING ASSEMBLY FOR RACK EQUIPMENT

DECISION ON REQUEST

This decision is issued in response to applicant's response dated 29 March 2011. Applicant's request is being treated as a renewed petition under 37 CFR 1.497(d). No petition fee is due.

BACKGROUND

On 20 February 2008, applicant filed international application PCT/US2008/002264 which claimed no priority date. The international application named Chris F. Felcman, Brandon W. Fears, and Wolfram Rudiger as applicants/inventors. The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., 20 August 2010.

On 20 August 2010, applicant filed a transmittal letter for entry into the national stage in the United States which included the basic national fee, an executed declaration, and a Request under 37 CFR 1.48. In a decision dated 16 November 2010, applicant's request under 37 CFR 1.497(d) was dismissed without prejudice.

On 14 January 2011, applicant filed a request under 37 CFR 1.497(d). In a decision dated 28 January 2011, applicant's request was dismissed without prejudice.

On 29 March 2011, applicant filed the present request under 37 CFR 1.497(d).

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 three applicant/inventor Chris F. Felcman, Brandon W. Fears, and Wolfram Rudiger for the United States. The present submission seeks to correct the inventorship so as to add inventor Gary S. Landrum 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 previously satisfied items (1), (2) and (4).

Regarding item (3), applicant submitted a document entitled "Consent of Assignee to Correction and/or Addition of Inventor(s) under 37 CFR 1.48(a)(4)" considered herein. This document states that the assignee consents to the addition of Gary S. Landrum as inventor herein. However, pursuant to 37 CFR 1.497(d)(3), the consent of the assignee must be submitted in compliance with 37 CFR 3.73(b) (see MPEP 201.03(II)(D)). Here, the statement executed by the assignee does not comply with the requirements of 37CFR 3.73(b)(2). Specifically, the person (Curtis G. Rose) signing the "Consent of Assignee to Correction and/or Addition of Inventor(s) under 37 CFR 1.48(a)(4)" does not have apparent authority to act on behalf of the assignee or states that he is authorized to act on behalf of

the assignee. Therefore, item (3) has not been satisfied.

CONCLUSION

For the reasons discussed above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice. A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision.

Extensions of time may be obtained under 37 CFR 1.136(a).

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

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SEP 26 2011
PCT LEGAL ADMINISTRATION

In re Application of:
FELCMAN et al.
Application No.: 12/918,522
PCT No.: PCT/US2008/002264
Int. Filing Date: 20 February 2008
Priority Date: None
Attorney Docket No.: 200701885-3
For: MOUNTING ASSEMBLY FOR RACK EQUIPMENT

DECISION ON REQUEST

In a decision mailed by this Office on 23 May 2011, applicants' request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d). Specifically, applicants had not provided the required consent of the assignee to the requested change in inventorship.

On 10 August 2011, applicants filed the renewed request under 37 CFR 1.497(d) considered herein. The submission included the consent of the assignee to the requested correct of inventorship, in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**. The inventorship herein is corrected to add Gary S. Landrum as additional inventor of record.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

30 SEP 2010

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39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS MI 48304-0610

In re Application of	:	
BEDNARZ et al.	:	
Application No.: 12/918,533	:	DECISION on
PCT No.: PCT/EP08/09092	:	
Int. Filing Date: 28 October 2008	:	PETITION
Priority Date: 29 October 2007	:	
Attorney Docket No.: 66997-0009	:	UNDER 37 CFR 1.137(b)
For: FUEL CELL ARRANGEMENT	:	

The petition to revive under 37 CFR 1.137(b) filed 20 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements, indicating, *inter alia*, that the processing fee for filing the English translation of the international application and the surcharge for filing the oath or declaration after the thirty-month period are required.

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

PTO/SB/20PCT-KR (06-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/918,535	Filing date:	August 20, 2010
First Named Inventor:	Yun Young Nam		
Title of the Invention:	Method for Object Localization Using Visual Images with Reference Coordinates		

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/KR2008/001867

The international date of the corresponding PCT application(s) is/are: April 3, 2008

I. List of Required Documents:

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

☑ Is attached.

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/918,535
First Named Inventor:	Yun Young Nam

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

☑ Is attached

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

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

☑ Are attached.

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same
2	2	Same
3	3	Same
4	4	Same
5	5	Same
6	6	Same
7	7	Same
8	8	Same
9	9	Same
10	10	Same
11	11	Same

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

Signature /Kisuk Lee/	Date August 20, 2010
Name (Print/Typed) Kisuk Lee	Registration Number L0,512

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.
12/918,535	08/20/2010	Yun Young Nam	15138-000017/US/NP	8831

28997 7590 10/07/2010
HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS, MO 63105

EXAMINER	
ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
10/07/2010	PAPER

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

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

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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HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS MO 63105

In re Application of: NAM et al.
Application No. 12/918,535
Docket #: 15138-000017/US/NP
Filed: August 20, 2010
For: **METHOD FOR OBJECT LOCALIZATION USING VISUAL IMAGES WITH REFERENCE COORDINATES**

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

This is a decision on the request to participate in the PCT-Patent Prosecution Highway **(PCT-PPH)** pilot program and the petition under 37 CFR 1.102(a), filed August 10, 2010, to make the above- identified application special.

The petition is **DISMISSED.**

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

(1) The U.S. application is
(a) a national stage entry of the corresponding PCT application

Or

(b) a national application which forms the basis for the priority claim in the corresponding PCT application

Or

(c) *a* national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application

Or

(d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.

Or

(e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

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

b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

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

(5) Applicant must submit a copy of:

a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (l)(a) above.

(6) Applicant must submit a copy of:

a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:
   a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition fail to comply with the above requirements.

Specifically, the Petition fails to provide 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, that indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability, as required by item 2 listed above. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII. Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

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.

Response must submitted by EFS-Web using the document description "Petition to make special under PCT-Patent Pros Hwy".

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 should be directed to Patent Application Information Retrieval (PAIR) system.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	12/918,535
Filing Date:	August 20, 2010
Applicant:	Yun Young Nam, et al.
Confirmation No.	8831
Group Art Unit:	2621
Examiner:	Unknown
Title:	Method for Object Localization Using Visual Images with Reference Coordinates
Attorney Docket:	15138-000017/US/NP

SUBMITTED ELECTRONICALLY VIA EFS -WEB

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

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(a)

Dear Sir:

On October 7, 2010, the USPTO dismissed Applicants Petition and Request to Participate in the PCT Patent Prosecution Highway Pilot Program dated August 20, 2010 on the grounds that the Petition fails to provide the latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, WO/ISA, or the WO/IPEA, or the IPER, that indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability, as required.

Applicant believes the petition was dismissed because Applicant did not submit a copy of the written opinion issued in PCT application corresponding to the U.S. application, at the time the petition was filed.

Applicant submits herewith a copy of the PCT Written Opinion of the International Searching Authority in PCT Application No. PCT/KR2008/001867. The Written Opinion clearly indicated that claims 1-11 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step, and claims 1-11 are industrially applicable under PCT Article 33(4). Accordingly, the U.S. Application No. 12/918,535 is believed to have met all the requirements necessary to be eligible to participate in the PCT-PPH pilot program. Therefore, Applicant respectfully requests approval of the request for the PCT Patent Prosecution Highway Pilot Program for U.S. Patent Application 12/918,535.

It is believed that no fees are due in connection with this response. If, however, Applicants owed any fee(s), the Commissioner is hereby authorized to charge such fee(s) to Deposit Account No. **08-0750**. In addition, if there is ever any fee deficiency or overpayment of fees in connection with this patent application, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. **08-0750**.

Respectfully submitted,

Dated: November 2, 2010

By: /Kisuk Lee/
Kisuk Lee, Reg. No. 66,861

HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme, Ste. 400
St. Louis, MO 63105
(314) 446-7670 (direct)
(314) 726-7501 (facsimile)

Attachment:
A copy of the PCT Written Opinion of the International Searching Authority in PCT Application No. PCT/KR2008/001867

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/918,535	08/20/2010	Yun Young Nam	15138-000017/US/NP	8831

28997 7590 01/10/2011

HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS, MO 63105

EXAMINER	
ART UNIT	PAPER NUMBER
2482	

MAIL DATE	DELIVERY MODE
01/10/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

HARNESS, DICKEY, & PIERCE, P.L.C
7700 BONHOMME, SUITE 400
ST. LOUIS, MO 63105

In re Application of
NAM, YUN YOUNG et al.
Application No. 12/918,535
Filed: August 20, 2010
Att. Docket No. **15138-000017/US/NP**

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 PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 2, 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 Mehrdad Dastouri at 571-272-7418.

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

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

/Mehrdad Dastouri/

_____

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

MAILED
DEC 22 2010
PCT LEGAL ADMINISTRATION

In re Application of AMBATI :
U.S. Application No.: 12/918,548 :
PCT Application No.: PCT/US2009/001106 :
Int. Filing Date: 20 February 2009 : DECISION
Priority Date Claimed: 21 February 2008 :
Attorney Docket No.: 104072.61181US :
For: ULTRA-SMALL RNAS AS TOLL-LIKE :
RECEPTOR-3 ANTAGONISTS :

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 November 2010.

BACKGROUND

On 20 February 2009, applicant filed international application PCT/US2009/001106, which claimed priority of an earlier United States application filed 21 February 2008. The thirty-month period for paying the basic national fee in the United States expired on 23 August 2010.

On 20 August 2010, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). However, the submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 24 August 2010, international application PCT/US2009/001106 became abandoned as to the United States for failure to timely pay the basic national fee.

On 23 November 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

29 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of: WATTS, Robert, John
U.S. Application No.: 12/918,564
PCT No.: PCT/EP2009/050522
International Filing Date: 17 January 2009
Priority Date: 17 January 2008
Attorney Docket No.: FTIP0102PUSA
For: ANKLE-FOOT OTHOSES

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 20 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/EP2009/050522 became abandoned with respect to the United States at midnight on 17 July 2010 based on applicant's failure to request entry into the national stage in the United States and pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by the authorization to charge Deposit Account No. 02-3978 required fees, pursuant to which the Deposit Account will be charged the required petition fee. The petition also includes the "required reply" in the form of a request for entry into the national stage in the United States and the authorization to charge Deposit Account No. 02-3978 the required small entity basic national fee. Finally, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. It is noted that applicant has not submitted an executed 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

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

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

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

Application No:	12/918,591	Filing date:	August 20, 2010
First Named Inventor:	Uwe Gbureck		
Title of the Invention:	Preparation for Magnesium Ammonium Phosphate Cements		

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

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

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

The corresponding PCT application number(s) is/are: PCT/DE2009/000218

The international date of the corresponding PCT application(s) is/are: February 18, 2009

I. List of Required Documents:

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

☑ Is attached

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

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

☑ Is attached.

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

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

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

PTO/SB/20PCT-EP (05-10)
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.:	12/918,591
First Named Inventor:	Uwe Gbureck

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on Oct. 11, Nov. 12, & Dec. 3, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on Oct. 11, Nov. 12, & Dec. 3, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 - 19, 21 - 25	1 - 25	Claims 1 - 25 in the U.S. application are substantially the same
26	1, 6 - 10, 14 - 16	New claim 26 is similar to claim 1 in the corresponding PCT

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

Signature	/daniel a thomson/	Date	December 3, 2010
Name (Print/Typed)	Daniel A. Thomson	Registration Number	43,189

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.
12/918,591	10/11/2010	Uwe Gbureck	40344.50003	9143

78340 7590 03/16/2011

Emerson, Thomson & Bennett, LLC
1914 Akron-Peninsula Road
Akron, OH 44313

EXAMINER	
ART UNIT	PAPER NUMBER
1614	

NOTIFICATION DATE	DELIVERY MODE
03/16/2011	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):

iplaw@etblaw.com
dlm@etblaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAR 1 6 2011

EMERSON, THOMSON & BENNETT LLC
1914 AKRON-PENINSULA ROAD
AKRON, OH 44313

In re Application of
UWE GBURECK
Application No. 12/918,591
Filed: October 11, 2010
Attorney Docket No.: 40344.50003

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 Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(d), filed December 3, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

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 has submitted an English translation of claims 1-4 and 11-25 only. An English translation of claims 5-10 has not been filed.

In addition, Applicant has not submitted a statement that the English translation is accurate.

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

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

Telephone inquiries concerning this decision should be directed to 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

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/918,607	Filing date:	August 20, 2010
First Named Inventor:	Yun Young Nam		
Title of the Invention:	Method of Object Tracking in 3D Space Based on Particle Filter Using Acoustic Sensors		

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/KR2008/001916

The international date of the corresponding PCT application(s) is/are: April 4, 2008

I. List of Required Documents:

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

☒ Is attached.

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/918,607
First Named Inventor:	Yun Young Nam

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

☑ Is attached

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

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

☑ Are attached.

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same
2	2	Same
3	3	Same
4	4	Same
5	5	Same
6	6	Same
7	7	Same
8	8	Identical with formal changes
9	9	Identical with formal changes
10	10	Same

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

Signature /Kisuk Lee/	Date August 20, 2010
Name (Print/Typed) Kisuk Lee	Registration Number L0,512

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/918,607	08/20/2010	Yun Young Nam	15138-000018/US/NP	9252

28997 7590 08/12/2011
HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS, MO 63105

EXAMINER	
ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
08/12/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS MO 63105

In re Application of
NAM et al.
Application No.: 12/918,607
Filed: 20 August 2010
Attorney Docket No.: 15138-000018/US/NP
For: METHOD OF OBJECT TRACKING IN 3D SPACE BASED ON PARTICLE FILTER USING ACOUSTIC SENSORS

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 20 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, IPAU, Russia, Spain, Finland, Austria, or USPTO;

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

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

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

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

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

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

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

Requirements (1), (3-5) and (7-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (6).

Regarding the requirement of condition (6), applicant has failed to submit a copy of the Written Opinion (PCT/ISA/237).

Regarding the requirement of condition (2), it cannot be determined if requirement (2) has been met since requirement (6) has not been met.

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

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

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

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

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	12/918,607
Filing Date:	August 20, 2010
Applicant:	Yun Young NAM, *et al.*
Group Art Unit:	2614
Examiner:	TBD
Confirmation No.:	9252
Title:	METHOD OF OBJECT TRACKING IN 3D SPACE BASED ON PARTICLE FILTER USING ACOUSTIC SENSORS
Attorney Docket:	15138-000018/US/NP

SUBMITTED ELECTRONICALLY VIA EFS -WEB

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

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

Dear Sir:

On 12 August 2011, the USPTO dismissed Applicant's Petition and Request to Participate in the PCT Patent Prosecution Highway Pilot Program on the grounds that the Petition fails to provide a copy of the Written Opinion (PCT/ISA/237) form that indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability, as required.

With regard to Requirements (2) and (6) of the Decision on PCT-PPH dated 12 August 2011, Applicant submits herewith a copy of the PCT Written Opinion of the

International Searching Authority (Form PCT/ISA/237) in PCT Application No. PCT/KR2008/001916. The Written Opinion clearly indicates that Claims 1-10 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step, and the claims are industrially applicable under PCT Article 33(4).

Accordingly, the U.S. Application No. 12/918,607 is believed to have met all the requirements necessary to be eligible to participate in the PCT-PPH pilot program. Therefore, Applicant respectfully requests approval of the request for the PCT Patent Prosecution Highway Pilot Program for U.S. Patent Application 12/918,607.

It is believed that no fees are due in connection with this response. If, however, Applicants owed any fee(s), the Commissioner is hereby authorized to charge such fee(s) to Deposit Account No. **08-0750**.

Respectfully submitted,

Dated: 17 August 2011

By: /Kisuk Lee/
Kisuk Lee, Reg. No. 66,861
Attorney for Applicant

HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme, Ste. 400
St. Louis, MO 63105
(314) 446-7670 (direct)
(314) 726-7501 (facsimile)

Attachment:
A copy of the PCT Written Opinion of the International Searching Authority in PCT Application No. PCT/KR2008/001916

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.
12/918,607	08/20/2010	Yun Young Nam	15138-000018/US/NP	9252

28997 7590 08/23/2011
HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS, MO 63105

EXAMINER	
ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
08/23/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS MO 63105

In re Application of
NAM et al.
Application No.: 12/918,607
Filed: 20 August 2010
Attorney Docket No.: 15138-000018/US/NP
For: METHOD OF OBJECT TRACKING IN 3D SPACE BASED ON PARTICLE FILTER USING ACOUSTIC SENSORS

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 20 August 2010 and renewed on 17 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

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 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

UNGARETTI & HARRIS LLP
INTELLECTUAL PROPERTY GROUP - PATENTS
70 WEST MADISON STREET
SUITE 3500
CHICAGO IL 60602-4224

MAILED

JUN 21 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BIEL, et al. : DECISION ON PETITION
Serial No.: 12/918,616 :
PCT No.: PCT/US2009/034747 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 20 February 2009 :
Priority Date: 22 February 2008 :
Atty Docket No.: 52072-7237 :
For: MULTI-STROKE SCREEN PRINTING METHOD :
AND APPARATUS :

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 21 April 2011 in the United States Patent and Trademark Office (USPTO) and supplemented on 28 April 2011.

BACKGROUND

On 20 February 2009, applicant filed international application PCT/US2009/034747 which claimed priority to a previous application filed 22 February 2008. 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 22 August 2010.

On 20 August 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment and an Application Data Sheet.

On 21 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 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 21 April 2011, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a five-month extension of time. With payment of the five-month extension of time, applicant's present response is considered timely filed.

On 28 April 2011, applicant filed a supplemental response which included a declaration signed by the previously non-signing inventor, Joel Zupancic.

DISCUSSION

The petition under 37 CFR 1.47(a) is moot since the declaration which accompanies the supplemental response has been executed by the previous non-signing inventor. The declaration filed 28 April 2011 is acceptable under 37 CFR 1.497.

CONCLUSION

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

The application has an international filing date of 20 February 2009 under 35 U.S.C. 363 and a date of **28 April 2011** 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 continued processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

10 SEP 2010

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

General Electric Company
GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton CT 06484

In re Application of:	:	
JUREK, Tomasz	:	DECISION ON PETITION
U.S. Application No.: 12//918,624	:	(37 CFR 1.137(b))
PCT No.: PCT/US2008/088087	:	
International Filing Date: 23 December 2008	:	
Priority Date: 28 December 2007	:	
Attorney Docket No.: 197933_8	:	
For: SWITCHBOARD WITH UPS AND HORIZONTAL BUSBARS	:	

The petition for revival under 37 CFR 1.137(b) filed 20 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2008/088087 became abandoned with respect to the United States at midnight on 28 June 2010 based on applicant's failure to request entry into the national stage in the United States and pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the national stage in the United States and payment of the basic national fee. The petition also includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. It is noted that applicant has not submitted an executed 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

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: Smith-Turbine-USNP	Application Number (if known): 12918705	Filing date: 08/20/2010
First Named Inventor: Danny J. Smith		
Title: Wind Power Generation System		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: _____

Signature /David S. Kerr/	Date 2010-12-13
Name (Print/Typed) David S. Kerr	Registration Number 64447

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.

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.

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.

Filed via Electronic Filing

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number:	12/918,705
Filed:	08/20/2010
Inventor:	Danny J. Smith
Title:	Wind Power Generation System
GAU:	1614
Assignee:	Airgenesis LLC
Attorney Docket:	Smith-Turbine-USNP
Customer No.:	33549
Confirmation No:	9902

STATEMENT OF THE BASIS FOR SPECIAL STATUS

The basis for special status is that the invention materially contributes to development of renewable energy resources, energy conservation and green house gas emission reduction. The inventive technology described in the above captioned application generally relates to the field of renewable energy production or more particularly wind power generation. More specifically, methods and apparatus for wind power generation utilizing perhaps multiple generators coupled to a continuum and sequentially controlled so as to maintain an electrical output at a constant generator rotation(s) per minute (RPM). The inventive technology may be particularly suited to accomplishing such wind power generation across a broad range of wind and turbine rotational velocities. In particular, the inventive technology seeks to address deficiencies in conventional wind turbine systems which often limit their economic viability and their widespread adoption.

The wind power generation systems discussed in the above captioned application, among other attributes allows for generator control at the coupler level thereby allowing for constant generator RPM and electrical output at variable wind velocities, as well as constant generator output and RPM at wind velocities below and above traditional wind velocity thresholds. In addition, embodiments of the current inventive technology allow for increased and efficient sequential multi-generator wind energy capture at low turbine rotational RPM. Various embodiments of the current innovative technology may provide methods and apparatus for a

wind power generation system wherein multiple generators are controlled and sequentially loaded and possibly adjusted along a continuum by a continuum and/or radius adjustable coupler.

Additional embodiments may include methods and apparatus for coupling multiple generators to a rotational element such that said generator's electrical output, and RPM are controllably maintained thereby outputting a constant electrical output for example to a grid. The current inventive technology allows for an increase in the overall efficiency of wind capture and energy conversion as well as increasing the range of wind velocities wherein sufficient wind energy may be captured to produce an electrical output.

Dated this 13th day of December, 2010.

Respectfully submitted,
SANTANGELO LAW OFFICES, P.C.

By: /David S. Kerr/
David S. Kerr
Attorney of Record
PTO No. 64447
125 South Howes, Third Floor
Fort Collins, Colorado 80521
(970) 224-3100

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/918,705	05/03/2011	Danny J. Smith	Smith-Turbine-USNP	9902

33549 7590 07/01/2011
SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS, CO 80521

EXAMINER	
ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
07/01/2011	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):

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

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

In re Application of		
SMITH, DANNY J.	:	DECISION ON PETITION
Application No. 12/918705	:	TO MAKE SPECIAL
		UNDER THE GREEN
Filed: August 20, 2010	:	TECHNOLOGY
Attorney Docket No. Smith-Turbine-USNP	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 13, 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.

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

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 15 2010

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re application of
Craig White
Application No. 12/918,713
Filed: August 28, 2010
For: CONSTRUCTION PANEL

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 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 applications filed in the EPO; UKIPO or US
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the UKIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

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) 272-6611.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 12/15/10

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MAILED
JAN 11 2012
OFFICE OF PETITIONS

CHALKER FLORES, LLP
14951 NORTH DALLAS PARKWAY
SUITE 400
DALLAS, TX 75254

In re Application of	:	
Angelos Psimenos	:	
Application No. 12/918,756	:	DECISION DISMISSING PETITION
Filed: October 20, 2010	:	UNDER 37 CFR 1.313(a)
Attorney Docket No. SONN:1022	:	

This is a decision on the petition under 37 CFR 1.313(a), filed January 10, 2012, requesting withdrawal of the above-identified application from issue.

The petition is **DISMISSED** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on January 3, 2012, with the issue fee being due on or before April 3, 2012. The petition states that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Telephone inquiries concerning this decision may be directed to undersigned at (571) 272-1642.

The matter is being referred to Technology Center AU 1715 for appropriate processing of the RCE filed January 10, 2012, and for consideration of the concurrently filed information disclosure statement.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

APR 22 2011

PCT LEGAL ADMINISTRATION

IP Legal Strategies LLC
101 River Road
Sudbury MA 01776

In re Application of :
MONTAGU, et al. :
U.S. Application No.: 12/918,757 : DECISION ON PETITION
PCT No.: PCT/US2009/034777 :
Int. Filing Date: 20 February 2009 : UNDER 37 CFR 1.47(a)
Priority Date: 21 February 2008 :
Attorney Docket No.: 3603/120 :
For: ASSAYS BASED ON LIQUID FLOW OVER ARRAYS :

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.47" filed 22 March 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 February 2009, applicant filed international application PCT/US2009/034777 which claimed priority to an earlier application filed 21 February 2008. Pursuant to 37 CFR 1.495 the period for providing payment of the full, U.S. Basic National Fee was set to expire thirty months from the priority date, or midnight 21 August 2010.

On 20 August 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by among other items, payment of the requisite basic national fee

On 22 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 afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 22 March 2011, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a four-month extension of time and payment of the appropriate extension of time fee. The petition is considered timely filed.

DISCUSSION

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

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 20 February 2009 under 35 U.S.C. 363, and will be given a date of **22 March 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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

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Mr. Jean I. Montagu
104 Lakeview Avenue
Cambridge, MA 02138

MAILED

APR 22 2011

PCT LEGAL ADMINISTRATION

In re Application of
MONTAGU, et al.
U.S. Application No.: 12/918,757
PCT No.: PCT/US2009/034777
Int. Filing Date: 20 February 2009
Priority Date: 21 February 2008
Attorney Docket No.: 3603/120
For: ASSAYS BASED ON LIQUID FLOW OVER ARRAYS

Dear Mr. Montagu:

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

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

Counsel of Record:

IP Legal Strategies LLC
101 River Road
Sudbury MA 01776

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APR 14 2011

PCT LEGAL ADMINISTRATION

CAREY, RODRIGUEZ, GREENBERG & PAUL LLP
ATTN: STEVEN M. GREENBERG, ESQ.
950 PENINSULA CORPORATE CIRCLE
SUITE 2022
BOCA RATON FL 33487

In re Application of :
HASEY, Gary, et al. :
U.S. Application No.: 12/918,810 :
PCT No.: PCT/CA2009/000195 :
Int. Filing Date: 20 February 2009 : DECISION
Priority Date: 20 February 2008 :
Attorney Docket No.: 1083-096U :
For: EXPERT SYSTEM FOR :
DETERMINING PATIENT :
TREATMENT RESPONSE :

This is a decision on Request for Refund, filed in the United States Patent and Trademark Office on 02 December 2010.

BACKGROUND

On 20 August 2010, applicants filed papers for entry into the national stage of PCT/CA2009/000195, which included large entity fees of $2698 for the national stage application.

On 22 September 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 02 December 2010, applicants filed a request for a refund of half of the fees paid on 20 August 2010, based on an assertion of small entity status.

DISCUSSION

In the papers filed 02 December 2010, applicants requested a refund of the $1349 paid on 20 August 2010. 37 CFR 1.28 (a) states:

> (a) *Refunds based on later establishment of small entity status.* A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is

> waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.

The refund request as to the 20 August 2010 fees is untimely. The time limit for requesting a refund of excess fees is 3 months.

CONCLUSION

For the above reasons, applicants' request for a refund pursuant to 37 CFR 1.28(a) is **DISMISSED** without prejudice.

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

/Erin P. Thomson/

Erin Thomson
Attorney Advisor
PCT Legal Administration

Tel.: (571) 272-3292

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/918,813	08/21/2010	Ignacio Gerson	GERSON 10-01	1963

7590 05/26/2011

ROBERT RYAN MORISHITA
MORISHITA LAW FIRM, LLC
8960 WEST TROPICANA AVENUE
SUITE 300
LAS VEGAS, NV 89147

EXAMINER	
VO, PETER DUNG BA	
ART UNIT	PAPER NUMBER
3718	
MAIL DATE	DELIVERY MODE
05/26/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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Fredy Ornath
12 Beit Zuri
Tel Aviv 69122
Israel

MAILED

JUL 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
ORNATH, Fredy :
Application No.: 12/918,815 :
Receipt Date: August 22, 2010 : **DECISION**
Attorney's Docket No.: 60019630-0064 :
For: A HYDROGEN STORAGE TANK :

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On August 22, 2010, applicant filed papers using the USPTO EFS-Web system to enter the national stage of PCT/IL2009/000234. These papers included a transmittal letter titled "Utility Patent Application Transmittal" (PTO/SB/05).

On September 24, 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) and filing receipt accepting the application as the national stage of PCT/IL2009/000234.

DISCUSSION

The sole issue to be decided by this office is whether the above-captioned application should have been treated as a national stage application under 35 U.S.C. 371 of PCT/IL2009/000234.

Any intended filing of an international application as a national stage application must clearly be identified as such and must satisfy all the conditions set forth in 35 U.S.C. 371(c). Otherwise, the submission will be considered as being made under 35 U.S.C. 111(a). 37 CFR 1.495(g). Section 1893.03(a) of the Manual of Patent Examining Procedure states, in part:

> In accordance with the notice at 1077 O.G. 13 (April 14, 1987) . . . if there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

Here, applicant submitted the application electronically as a "U.S. National Stage

under 35 USC 371" of "PCT/IL09/00234." However, the transmittal letter (Form PTO/SB/05) used clearly states under the title that it is "Only for new nonprovisional applications under 37 CFR 1.53(b)."

Section 1893.03(a) of the MPEP[1] specifically indicates that an application filed with a Form PTO/SB/05 transmittal letter has a conflicting instruction. Therefore, the above-captioned application must be processed as a 35 U.S.C. 111(a) application.

CONCLUSION

The papers deposited on August 22, 2010 constitute a filing under 35 U.S.C. 111(a), not 35 U.S.C. 371.

For this reason, the Form PCT/DO/EO/903 and filing receipt mailed September 24, 2010 are hereby **VACATED**.

This application is being forwarded to the Office of Patent Application Processing for continued processing as a filing under 35 U.S.C. 111(a).

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] MPEP § 1893.03(a) states, in part: "A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371, a "Utility Patent Application Transmittal" (Form PTO/SB/05) . . ."

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SUGHRUE MION, PLLC
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SUITE 800
WASHINGTON DC 20037

MAILED

MAR 15 2012

OFFICE OF PETITIONS

In re Application of :
Fredy Ornath :
Application No. 12/918,815 : DECISION ON PETITION
Filed: August 22, 2010 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. Q129198 :

This is a decision on the petition filed February 7, 2012, which is being treated as a petition under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/IL2009/000234, filed March 1, 2009, as set forth in the accompanying Application Data Sheet (ADS).

The petition is **GRANTED.**

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

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. §§ 120 and 365(c) is accepted as being unintentionally delayed.

The statement provided in the above petition to accept an unintentionally delayed claim under 35 U.S.C. for priority to the prior-filed application(s) is being construed as that required under 37

CFR 1.78(a)(2)(ii). If this is an incorrect interpretation, applicant must notify the Office in writing of such.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, was mailed on February 24, 2012.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the examiner of Technology Center Art Unit 3788 for consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the above-noted, prior-filed PCT application.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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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:	12/918,834	Filing date:	August 23, 2010
First Named Inventor:	Mitsuru INOUE		
Title of the Invention:	OPTICAL SHEET, SURFACE LIGHT SOURCE DEVICE AND TRANSMISSION-TYPE DISPLAY 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/JP2009/062981

The international date of the corresponding PCT application(s) is/are: July 17, 2009

I. List of Required Documents:

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

☐ Is attached.

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

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

☑ Is attached.

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

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

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

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

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

(continued)

Application No.:	
First Named Inventor:	Mitsuru INOUE

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on August 23, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on August 23, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US claim 1 corresponds to claim 1 of the PCT Application
2	2	US claim 2 corresponds to claim 2 of the PCT Application
3	3	US claim 3 corresponds to claim 3 of the PCT Application
4	4	US claim 4 corresponds to claim 4 of the PCT Application
5	5	US claim 5 corresponds to claim 5 of the PCT Application
6	6	US claim 6 corresponds to claim 6 of the PCT Application
7	7	US claim 7 corresponds to claim 7 of the PCT Application
8	8	US claim 8 corresponds to claim 8 of the PCT Application
9	9	US claim 9 corresponds to claim 9 of the PCT Application
10	10	US claim 10 corresponds to claim 10 of the PCT Application
11	11	US claim 11 corresponds to claim 11 of the PCT Application
12	12	US claim 12 corresponds to claim 12 of the PCT Application
13	13	US claim 13 corresponds to claim 13 of the PCT Application

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

Signature	Date August 24, 2010
Name (Print/Typed) Stephen P. Burr	Registration Number 32,970

請求の範囲

[請求項1] シート状の本体部と、

前記本体部の一方の面上に配列され、フライアイレンズを構成する複数の第１単位形状要素と、

前記本体部の前記一方の面上に配列され、前記本体部のシート面上の一方向と平行に延びる複数の第２単位形状要素と、を備え、

前記第１単位形状要素は、前記本体部の前記一方の面上に、隙間を空けて配列され、

前記第２単位形状要素は、前記本体部の前記一方の面上のうちの前記第１単位形状要素の間に配置されている

ことを特徴とする光学シート。

[請求項2] 前記本体部のシート面への法線方向と平行な断面であって前記一方向と直交する断面において、前記第２単位形状要素は、三角形形状となっている

ことを特徴とする請求項１に記載の光学シート。

[請求項3] 前記本体部のシート面への法線方向と平行な断面において、前記第１単位形状要素は、楕円または円の一部分に相当する形状を有する

ことを特徴とする請求項１に記載の光学シート。

[請求項4] 前記本体部の前記一方の面のうちの一部の領域が前記第１単位形状要素によって覆われ、

前記本体部の前記一方の面のうちの前記一部の領域以外のその他の全領域が、前記第２単位形状要素によって覆われている

ことを特徴とする請求項１に記載の光学シート。

[請求項5] 前記本体部の前記一方の面からの前記第２単位形状要素の突出高さは、前記本体部の前記一方の面からの前記第１単位形状要素の突出高さの９／１０以下である

ことを特徴とする請求項１に記載の光学シート。

[請求項6] 前記複数の第１単位形状要素は、前記本体部のシート面上の第１方

向に沿って一定のピッチで配列されているとともに、前記本体部のシート面上の第２方向に沿っても前記一定のピッチで配列されており、

前記第１方向は、前記第２方向に対して６０°傾斜している

ことを特徴とする請求項１に記載の光学シート。

[請求項7] ある一つの第１単位形状要素と、前記本体部の前記シート面に沿って当該一つの第１単位形状要素に最も近接して配置された他の第１単位形状要素と、の間の前記本体部の前記シート面に沿った離間間隔の平均を表す第１単位形状要素の平均最小間隔が、前記本体部の前記シート面上における前記一方向へ直交する方向への前記第２単位形状要素の配列ピッチ以上である

ことを特徴とする請求項１に記載の光学シート。

[請求項8] 前記複数の第１単位形状要素は、前記本体部のシート面上の第１方向に沿って一定のピッチで配列されているとともに、前記本体部のシート面上の第２方向に沿っても前記一定のピッチで配列されており、

前記第１方向は、前記一方向に対して直交しており、且つ、前記第２方向に対して６０°傾斜している

ことを特徴とする請求項７に記載の光学シート。

[請求項9] 前記第１単位形状要素は、前記本体部の前記一方の面上にランダムに配置されている

ことを特徴とする請求項７に記載の光学シート。

[請求項10] 光源と、

前記光源からの光を受ける請求項１に記載の光学シートと、を備える

ことを特徴とする面光源装置。

[請求項11] 断面三角形形状の複数の単位形状要素を有する集光シートをさらに備える

ことを特徴とする請求項１０に記載の面光源装置。

[請求項12] 前記光学シートの出光側に配置された偏光分離フィルムをさらに備

える

ことを特徴とする請求項１０に記載の面光源装置。

[請求項13]　透過型表示部と、

前記透過型表示部に対向して配置された請求項１０に記載の面光源装置と、を備える

ことを特徴とする透過型表示装置。

English translation of the claims indicated as having novelty, inventive step, and industrial applicability

CLAIMS

1. An optical sheet comprising:

a sheet-like main body;

first unit shaped elements arranged on one surface of the main body, the first unit shaped elements constituting together a fly-eye lens; and

second unit shaped elements arranged on the one surface of the main body, the second unit shaped elements extending in parallel with one direction on a sheet surface of the main body,

wherein the first unit shaped elements are arranged, with a space provided therebetween, on the one surface of the main body, and

wherein the second unit shaped elements are arranged, between the first unit shaped elements, on the one surface of the main body.

2. The optical sheet according to claim 1,

wherein each of the second unit shaped elements has a triangular shape, in a section thereof parallel with a normal direction relative to the sheet surface of the main body and orthogonal to the one direction.

3. The optical sheet according to claim 1,

wherein each of the first unit shaped elements has a shape corresponding to a part of an ellipse or to a part of a circle, in a section thereof parallel with the normal direction relative to the sheet surface of the main body.

4. The optical sheet according to claim 1,

wherein a partial area of the one surface of the main body is

covered with the first unit shaped elements, and

wherein all of the other area than the partial area of the one surface of the main body is covered with the second unit shaped elements.

5. The optical sheet according to claim 1,

wherein the projection height of each of the second unit shaped elements from the one surface of the main body is equal to or less than 9/10 of the projection height of each of the first unit shaped elements from the one surface of the main body.

6. The optical sheet according to claim 1,

wherein the first unit shaped elements are arranged, in a first direction, with a constant pitch, along the sheet surface of the main body, while the first unit shaped elements are also arranged, in a second direction, with the constant pitch, along the sheet surface of the main body, and

wherein the first direction crosses to the second direction, while defining a 60° angle therebetween.

7. The optical sheet according to claim 1,

wherein an average of the least space between the first unit shaped elements is equal to or greater than an arrangement pitch of the second unit shaped elements along a direction orthogonal to the one direction on the sheet surface of the main body, the average of the least space corresponding to the average of the space along the sheet surface of the main body between one of the first unit shaped elements and other first unit shaped elements arranged nearest to the one first unit shaped element along the sheet surface of the main body.

8. The optical sheet according to claim 7,

wherein the first unit shaped elements are arranged, in the first direction, with the constant pitch, along the sheet surface of the main body, while the first unit shaped elements are also arranged, in the second direction, with the constant pitch, along

the sheet surface of the main body, and

wherein the first direction is orthogonal to the one direction, and crosses to the second direction, while defining the 60° angle therebetween.

9. The optical sheet according to claim 7,

wherein the first unit shaped elements are arranged in a random manner on the one surface of the main body.

10. A surface light source device, comprising:

a light source; and

the optical sheet according to claim 1 and arranged to receive light emitted from the light source.

11. The surface light source device according to claim 10, further comprising a light collecting sheet including unit shaped elements, each having a triangular section shape.

12. The surface light source device according to claim 10, further comprising a polarized-light separating film located on the light outgoing side relative to the optical sheet.

13. A transmission-type display device, comprising:

a transmission-type display unit; and

the surface light source device according to claim 10 disposed to be opposed to the transmission-type display unit.

DECLARATION

I, Yukihiro HOTTA, of Kyowa Patent and Law Office, 2-3, Marunouchi 3-Chome, Chiyoda-Ku, Tokyo-To, Japan, declare and say:

that I am thoroughly conversant with both the Japanese and English languages;

that the attached document represents a true English translation of claims that were indicated as having novelty, inventive step, and industrial applicability in the Written Opinion of PCT/JP2009/062981.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: August 18, 2010

Yukihiro HOTTA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/918,834	08/23/2010	Mitsuru Inoue	920_256	1202

25191 7590 11/23/2010

BURR & BROWN
PO BOX 7068
SYRACUSE, NY 13261-7068

EXAMINER	
ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BURR & BROWN
PO BOX 7068
SYRACUSE NY 13261-7068

In re Application of
INOUE et al.
Application No.: 12/918,834
Filed: 23 August 2010
Attorney Docket No.: 920_256
For: OPTICAL SHEET, SURFACE LIGHT SOURCE DEVICE AND TRANSMISSION-TYPE DISPLAY DEVICE

: 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 24 August 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

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

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

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

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

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

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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WINSTEAD PC
P.O. BOX 50784
DALLAS TX 75201

MAILED

AUG 05 2011

OFFICE OF PETITIONS

In re Application of
Timothy L. Walker
Application No. 12/918,851
Filed: June 14, 2011
Attorney Docket No. 50179-P001WOUS

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 21, 2011.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number.

In the instant application, the practitioner(s) were appointed via Customer Number however the request does not designate a Customer Number to be withdrawn by. The request was signed by Lekha Gopalakrishnan on behalf of all the practitioners of record.

Further, 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.*

Since the current request does not properly withdraw the appointed practitioners and change the correspondence address to the proper party, the request cannot be approved at this time. Any subsequent request must withdraw all associated practitioner(s) in the same manner as appointed and specify either an assignee of the entire interest or first named inventor as the new correspondence address.

There are no outstanding Office actions that require a reply from the applicant.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.

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

Decision Date : August 12,2011

In re Application of :

Timothy Walker

Application No : 12918851

Filed : 14-Jun-2011

Attorney Docket No : 50179-P001WOUS

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 12,2011

The request is **APPROVED.**

The request was signed by Lekha Gopalakrishnan (registration no. 46733) on behalf of all attorneys/agents associated with Customer Number 61060 . All attorneys/agents associated with Cusotmer Number 61060 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	Timothy L. Walker
Name2	
Address 1	2706 Oak Moor Road
Address 2	#4201
City	Arlington
State	TX
Postal Code	76010
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	12918851
Filing Date	14-Jun-2011
First Named Inventor	Timothy Walker
Art Unit	3637
Examiner Name	
Attorney Docket Number	50179-P001WOUS
Title	PORTABLE ENTERTAINMENT UNIT

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 61060

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Timothy L. Walker
Address	2706 Oak Moor Road #4201
City	Arlington
State	TX
Postal Code	76010
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Lekha Gopalakrishnan/
Name	Lekha Gopalakrishnan
Registration Number	46733

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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21186
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402

MAILED

MAY 26 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KREPPOLD *et al* :
U.S. Application No.: 12/918,855 :
PCT No.: PCT/EP2009/001608 :
Int. Filing Date: 02 March 2009 :
Priority Date: 29 February 2008 :
Docket No.: 3037.024US1 :
For: RETAINING MEANS FOR AN AIRBAG ARRANGEMENT AND AIRBAG ARRANGEMENT :

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 28 March 2011.

BACKGROUND

On 28 September 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 28 March 2011, applicants filed the subject petition which was accompanied by, *inter alia*, a $130.00 surcharge fee; a $200.00 petition fee; a four-month extension and $1,730.00.00 extension fee; a declaration signed on behalf of the nonsigning inventor; a declaration of Patricia Kopf; and documentary evidence in support of the petition (Exhibit A - C).

DISCUSSION

Applicants claim that co-inventor, Calvin BRISTOW, is uncooperative and have filed the subject petition under 37 CFR 1.47(a).

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

Applicants submitted the $200.00 petition fee. The last known address of the

nonsigning inventor was provided in the petition. A declaration signed by two of the three named inventors was provided. This declaration complies with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(a)(A).

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

Regarding item (2), the 37 CFR 1.47(a) applicants provided a declaration of Patricia Kopf who details her efforts in obtaining the signature of the nonsigning inventor.[1] These efforts included sending a copy of an assignment and a declaration to Mr. BRISTOW at his last known address by regular mail, email, and by DHL on 01 February 2011. These papers were successfully delivered by the DHL Courier on 07 February 2011 (Exhibit C). No response to this letter has been received.

MPEP § 409.03(d)(II) requires that for a refusal to be accepted, the 37 CFR 1.47(a) applicants must show that a complete copy of the application, including specification, claims and drawings, were presented (or attempted to be presented) to the nonsigning inventor. In this case, the 37 CFR 1.47(a) applicants have not shown that a complete copy of the subject application was provided to Mr. BRISTOW prior to his purported refusal.[2] As such, a refusal to cooperate cannot be shown.

For this reason, item (2) of 37 CFR 1.47(a) is not yet satisfied.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

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

Any further correspondence 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

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[1] Ms. Kopf states that Mr. BRISTOW is either unwilling to cooperate or could not be located. However, applicants have not made such a claim in the subject petition and assert only that the nonsigning inventor is unwilling to cooperate. Therefore, the analysis required by MPEP § 409.03(d)(I) to show that an inventor cannot be reached will not be conducted in this decision. Applicants may request that this analysis be performed in any renewed petition under 37 CFR 1.47(a).

[2] It is noted that the declaration itself requires that the inventors attest that they have reviewed and understand the contents of the specification, including the claims, as amended by any amendment.

the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 2938
Minneapolis, MN 55402

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DEC 09 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KREPPOLD *et al* :
U.S. Application No.: 12/918,855 :
PCT No.: PCT/EP2009/001608 :
Int. Filing Date: 02 March 2009 :
Priority Date: 29 February 2008 :
Docket No.: 3037.024US1 :
For: RETAINING MEANS FOR AN AIRBAG ARRANGEMENT AND AIRBAG ARRANGEMENT :

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 26 October 2011.

BACKGROUND

On 26 May 2011, a decision dismissing applicants' petition under 37 CFR 1.47(a) was filed. Applicants were given two months to respond.

On 26 October 2011, applicants filed the renewed response which was accompanied by, *inter alia*, a three-month extension and $1,270.00 extension fee, a declaration of Patricia Kopf and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventor, Calvin BRISTOW, refuses to cooperate.

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

Items (1), (3) and (4) of 37 CFR 1.47(a) were satisfied in the initial petition

Item (2) of 37 CFR 1.47(a) was held not to be satisfied as there was no indication that a complete copy of the subject application was provided to the nonsigning inventor. As such, a refusal to cooperate by conduct could not be shown.

In the renewed response, the 37 CFR 1.47(a) applicants have provided a second declaration of Patricia Kopf who details her further efforts in obtaining the signature of the nonsigning inventor. Ms. Kopf sent a complete copy of the subject application, preliminary amendment, assignment and a declaration to Mr. BRISTOW at his last known address using DHL Express on 31 August 2011. These papers were successfully delivered by the DHL Courier on 02 September 2011. No response has been received. Applicants included a copy of the cover letter for the documents mailed 31 August 2011 and a copy of the DHL tracking results with the renewed response.

The lack of a response by Mr. BRISTOW constitutes a refusal by conduct as contemplated by MPEP § 409.03(d)(II). Item (2) of 37 CFR 1.47(a) is satisfied.

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

CONCLUSION

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 the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 02 March 2009 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 28 March 2011.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Calvin Bristow
125 Horsepen Way
Simpsonville, SC 29681

MAILED

DEC 09 2011

PCT LEGAL ADMINISTRATION

In re Application of
KREPPOLD *et al*
U.S. Application No.: 12/918,855
PCT No.: PCT/EP2009/001608
Int. Filing Date: 02 March 2009
Priority Date: 29 February 2008
Docket No.: 3037.024US1
For: RETAINING MEANS FOR AN AIRBAG ARRANGEMENT AND AIRBAG ARRANGEMENT

Mr. Bristow:

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402

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NOV 23 2010

PCT LEGAL ADMINISTRATION

Hewlett-Packard Company
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
Fort Collins, CO 80528

In re Application of :
ATKINSON, Lee :
Application No.: 12/918,862 :
PCT No.: PCT/US2008/085105 : DECISION ON PETITION
Int. Filing Date: 01 December 2008 : UNDER 37 CFR 1.137(b)
Priority Date: 12 Deceber 2007 :
Attorney Docket No.: 200701311-4 :
For: VARIABLY DELAYED WAKEUP TRANSITION :

The petition to revive under 37 CFR 1.137(b) filed 23 August 2010 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the 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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/918,864	08/23/2010	Eun Suok Oh	LGCHEM 3.3-155	1426

86765 7590 11/07/2011

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER
MAPLES, JOHN S

ART UNIT	PAPER NUMBER
1728	

NOTIFICATION DATE	DELIVERY MODE
11/07/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.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

11/7/11

BC

In re application of Eun Suok Oh et al. Serial No. 12/918,864 Filed: August 23, 2010 Attorney Docket No: LGCHEM 3.3-155	: : : : : :	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 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 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);
   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 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 copy of:
   a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

b. An English language translation of the KIPO Office actions from (5)(a) above; 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 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
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NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
220 MASSACHUSETTS AVENUE
CAMBRIDGE MA 02139

MAILED

JUN 21 2011

PCT LEGAL ADMINISTRATION

In re Application of :
AMSTUTZ, Rene, et al. :
Application No.: 12/918,880 : DECISION ON
PCT No.: PCT/EP2009/052314 :
Int. Filing Date: 26 February 2009 : PETITION
Priority Date: 28 February 2008 :
Attorney Docket No.: 52410-US-PCT : UNDER 37 CFR 1.182
For: QUINOLINES AS INHIBITORS OF FARNESYL PYROPHOSPHATE SYNTHASE :

This decision is in response to applicants' Response to Notification of Missing Requirements, filed with the United States Patent and Trademark Office on 20 April 2011. It has been treated as a petition under 37 CFR 1.182.

BACKGROUND

On 27 September 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 20 April 2011, applicants submitted a declaration of the inventors and a petition under 37 CFR 1.182.

DISCUSSION

The $400 fee for a petition under 37 CFR 1.182 will be charged to deposit account no. 50-4409, as authorized. Applicant has supplied what appears to be a copy of the court order changing the name of inventor "Müller-Hartwieg," but the document is not in English and a translation has not been furnished. Further, it is observed that the name the name change has more names than are listed on the international application or on the declaration. Applicants can supply a statement from the inventor for a name change, but if relying on a court order explanation of the discrepancy would be appropriate.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **DISMISSED** without prejudice.

A proper reply is required within a time period of **TWO (2) MONTHS** from the mail date of this Decision. Extensions of time under 37 CFR 1.136(a) are available. 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 1.182."

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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NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
220 MASSACHUSETTS AVENUE
CAMBRIDGE MA 02139

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DEC 16 2011

PCT LEGAL ADMINISTRATION

In re Application of :
AMSTUTZ, Rene, et al. :
Application No.: 12/918,880 : DECISION ON
PCT No.: PCT/EP2009/052314 :
Int. Filing Date: 26 February 2009 : PETITION
Priority Date: 28 February 2008 :
Attorney Docket No.: 52410-US-PCT : UNDER 37 CFR 1.182
For: QUINOLINES AS INHIBITORS OF FARNESYL PYROPHOSPHATE SYNTHASE :

This decision is in response to applicants' renewed petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 17 October 2011.

BACKGROUND

On 21 June 2011, the Office mailed Decision On Petition Under 37 CFR 1.182, dismissing applicants' petition without prejudice.

On 17 October 2011, applicants submitted a renewed petition under 37 CFR 1.182 and the fee for a two month extension of time.

DISCUSSION

The $400 fee for a petition under 37 CFR 1.182 has been paid. Applicant has supplied a copy of the court order changing the name of inventor "Juliane Constanze Desirée Müller-Hartwieg," to "Juliane Constanze Desirée Hartwieg." Applicants have also provided a new application data sheet reflecting the name of inventor Hartwieg as "Juliane Constanze Desirée Hartwieg." The 20 April 2011 declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

This application is being referred to the national phase processing branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

03 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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INGRASSIA FISHER & LORENZ, P.C. (GME)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

In re Application of	:	
BALD, et al.	:	
Application No.: 12/918,947	:	
PCT No.: PCT/EP2008/002362	:	DECISION ON PETITION
Int. Filing Date: 26 March 2008	:	
Priority Date: 12 April 2007	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 060.0390US	:	
For: SELF-DIMMING MIRROR IN A MOTOR VEHICLE	:	

The petition to revive under 37 CFR 1.137(b) filed 23 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. 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

MAILED

APR 26 2011

PCT LEGAL ADMINISTRATION

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

In re Application of:
BERNHAGEN, Jurgen, et al.
U.S. Application No.: 12/918,964
PCT Application No.: PCT/US2009/037887
International Filing Date: 20 March 2009
Priority Date: 20 March 2008
Attorney's Docket No.: 36591-702.831
For: METHODS OF TREATING INFLAMATION

DECISION ON PETITION
(37 CFR 1.137(b))

This decision is issued in response to applicants' petition for revival under 37 CFR 1.137(b) filed 01 March 2011. Applicants have paid the applicable petition fee.

BACKGROUND

On 20 March 2009, applicants filed international application PCT/US2009/037887. The international application claimed a priority date of 20 March 2008, and it designated the United States. The deadline for payment of the U.S. basic national fee was thirty months from the priority date, i.e., 20 September 2010.

On 23 August 2010, applicants filed materials requesting entry into the U.S. national stage including, among other materials, payment of the basic national fee.

On 17 September 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, $260 in additional claims fees, and sequence listing materials.

On 24 November 2010, applicants filed a partial response to the Notification Of Missing Requirements that included an executed declaration and payment of the $260 in additional claims fees required.

On 11 December 2010, applicants filed additional materials responsive to the Notification of Missing Requirements, specifically, payment of the small entity surcharge for filing the oath or declaration later than thirty months after the priority date.

On 23 February 2011, the DO/EO/US mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a timely response to the Notification mailed 17 September 2010.

On 01 March 2011, applicants filed the petition for revival under 37 CFR 1.137(b) considered herein, accompanied by sequence listing materials responsive to the Notification of Missing Requirements.

DISCUSSION

The Notification Of Missing Requirements mailed 17 September 2010 provided applicants with a two month response deadline, and it indicated that the failure to properly respond would result in abandonment. The Notification also stated that the "time period set forth above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a)."

Applicants here filed materials responsive to the Notification Of Missing Requirements on 24 November 2010 (the declaration and fee payment), 11 December 2010 (the surcharge payment), and on 01 March 2011 (the sequence listing materials). Such materials, taken together, are responsive to all the requirements set forth in the Notification Of Missing Requirements and were all submitted within four months of the expiration of the two month response deadline set forth in the Notification Of Missing Requirements, that is, within the time period where extensions of time under 37 CFR 1.136(a) were available.

The Form PTO-1390 Transmittal Letter filed herein on 23 August 2010 included the authorization to charge Deposit Account No. 23-2415 for any required fees. Pursuant to this authorization, Deposit Account No. 23-2415 will be charged the $865 fee required for a four-month extension of time to respond to the Notification Of Missing Requirements. Based on this extension, all the materials filed by applicants responsive to the Notification Of Missing Requirements, including the sequence listing materials filed on 01 March 2011 which completed the response, are considered timely.

Based on the above, the present application did not become abandoned for failure to timely respond to the Notification of Missing Requirements. The "Notification Of Abandonment" mailed on 23 February 2011, which was mailed prior to the expiration of the available response period and was based on applicants' purported failure to file a timely response to the Notification of Missing Requirements, is therefore appropriately vacated.

Because the present application is not abandoned, applicants' petition for revival of the application under 37 CFR 1.137(b) is moot. The petition fee submitted with the unnecessary petition will be refunded to Deposit Account No. 23-2415.

CONCLUSION

The petition for revival of the international application under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

Deposit Account No. 23-2415 will be charged the $865 small entity four-month extension fee required for the materials filed in response to the Notification Of Missing Requirements (including the sequence listing materials filed on 01 March 2010) to be considered a timely response to the Notification Of Missing Requirements, thereby avoiding abandonment of the present application.

The "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed 23 February 2011 is hereby **VACATED**.

The $810 petition fee submitted with the unnecessary petition for revival will be refunded to Deposit Account No. 23-2415.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including a review of the materials filed by applicants in response to the Notification Of Missing Requirements.

/RichardMRoss/

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

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

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

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

Application No:	12/918998	Filing date:	August 23,2010
First Named Inventor:	Yoshihito Nanaumi		
Title of the Invention:	INFORMATION PROCESSING APPARATUS 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/JP2010/061574

The international date of the corresponding PCT application(s) is/are: July 1, 2010

I. List of Required Documents:

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

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

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

(continued)

Application No.:	12/918998
First Named Inventor:	Yoshihito Nanaumi

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 15, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 15, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Both claims are same
2	2	Both claims are same
3	3	Both claims are same
4	4	Both claims are same
5	5	Both claims are same
6	6	Both claims are same
7	7	Both claims are same

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

Signature /Shant Tchakerian #61,825/	Date November 3, 2011
Name (Print/Typed) Shant H. Tchakerian	Registration Number 61,825

Privacy Act Statement

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

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

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/918,998	08/23/2010	Yoshihito Nanaumi	00862.175072.	2543

5514 7590 11/07/2011

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
BARRON JR, GILBERTO	
ART UNIT	**PAPER NUMBER**
2432	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Shant H. Tchakerian
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of: NANAUMIN Y.
Application No. **12918998**
Filed: August 23, 2010
For: SINFORMATION PROCESSING APPARATUS AND METHOD

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

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed **November 03, 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.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Hassan Kizou, Quality Assurance Specialist, can be reached 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
Technology Center 2400

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50163
WANG & HO
66 Hilltop Road
Millington, NJ 07946

MAILED

OCT 13 2010

PCT LEGAL ADMINISTRATION

In re Application of :
LIU, Wenzhen :
U.S. Application No.: 12/919,015 :
PCT No.: PCT/CN2008/002000 :
Int. Filing Date: 12 December 2008 :
Priority Date: 08 January 2008 :
Attorney Docket No.: None :
For: A METHOD AND PLANT OF PRODUCTION OF COMBUSTIBLE GAS USING BIOMASS :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 24 August 2010 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 submitted.

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

- 1 OCT 2010

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DEBORAH A. GADOR
P.O. BOX 4133
GANEL TIKVA 55900 IL ISRAEL

In re Application of DOR et al.
Application No.: 12/919,023
PCT No.: PCT/IL09/00031
Int. Filing Date: 08 January 2009
Priority Date: 08 January 2008
Attorney Docket No.: 209/58
For: MMSE METHOD

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 24 August 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 $810 has been paid and the basic national fee of $165 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 declaration submitted on 24 August 2010 was not signed by all of the inventors. It appears that the declarations were executed on 16 August 2010 and contain an indication that the declaration continues on other pages, which are not found among the application papers filed. The declaration does not identify all the inventors and therefore, is unacceptable. Applicant is reminded that while it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." See MPEP 201.03.

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) and the surcharge for filing the oath or declaration after the thirty month period, is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286

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.
12/919,025	08/24/2010	Toshihiro Matsumoto	P38800	2874

52123 7590 05/24/2011
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER	
CREPEAU, JONATHAN	
ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
05/24/2011	ELECTRONIC

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

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

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

gbpatent@gbpatent.com
pto@gbpatent.com

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Alexandria, VA 22313-1450
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MAY 24 2011

CST

In re application of	:	DECISION ON REQUEST TO
Toshihiro Matsumoto et al	:	PARTICIPATE IN PATENT
Serial No. 12/919,025	:	PROSECUTION HIGHWAY
Filed: August 24, 2010	:	PROGRAM AND
For: POLYMER ELECTROLYTE	:	PETITION TO MAKE SPECIAL
FUEL CELL STACK	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed April 6, 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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ABB INC.
LEGAL DEPARTMENT-4U6
29801 EUCLID AVENUE
WICKLIFFE OH 44092

MAILED
JUN 29 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Mohamed Y. Haj-Maharsi	:	
Application No. 12/919,031	:	
PCT No.: PCT/US2009/034298	:	
Int. Filing Date: 17 February 2009	:	PETITION UNDER
Priority Date: 25 February 2008	:	
Attorney's Docket No.: US-0805	:	
For: INSULATOR INTEGRATED POWER SUPPLY	:	37 CFR 1.137 (b)

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.137(b) TO REVIVE OF AN APPLICATION FOR PATENT UNINTENTIONALLY ABANDONED PATENT APPLICATION," filed on 04 May 2011.

BACKGROUND

On 17 February 2009, this international application was filed, claiming an earliest priority date of 25 February 2008. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.494 was 25 August 2010.

On 24 August 2010, applicants filed a Transmittal letter for entry into the national stage in the United States, which was accompanied by, the basic national fee. No executed declaration or oath was filed at such time.

On 20 September 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." To avoid abandonment, the above items must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond.

On 04 May 2011, petitioner filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and an executed declaration.

DISCUSSION

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

Petitioner has not provided: (1) the proper reply by submitting an executed declaration, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3).

In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy all the items under 37 CFR 1.137(b).

DECISION

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

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON, TX 76028

MAILED
JUL 20 2011
PCT LEGAL ADMINISTRATION

In re Application of MEASOM et al
U.S. Application No.: 12/919,038
PCT Application No.: PCT/US2008/055342
Int. Filing Date: 28 February 2008
Priority Date Claimed: none
Attorney Docket No.: 0837RF-H693-US
For: UNCURED COMPOSITE ROPE INCLUDING A PLURALITY OF DIFFERENT FIBER MATERIALS

DECISION

This is in response to applicant's request for refund filed 16 March 2011.

BACKGROUND

On 28 February 2008, applicant filed international application PCT/US2008/055342. The thirty-month period for paying the basic national fee in the United States expired on 29 August 2010.

On 24 August 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 16 March 2011, applicant filed the present request for refund under 37 CFR 1.26.

DISCUSSION

The request states that applicant is entitled to a refund of the search and examination fees because applicant received a positive International Preliminary Report of Patentability on all of the claims. However, MPEP 1893.01(c) provides that the search fee required under 37 CFR 1.492(b) and examination fee required under 37 CFR 1.492(c) are due on commencement of the national stage (37 CFR 1.491(a)). In the present case, applicant paid the proper search and examination fees on 24 August 2010, since the International Preliminary Report of Patentability

had not yet issued. Because such payment was made neither by mistake nor in excess of the fees required on the date of payment, a refund under 37 CFR 1.26 is not indicated in the present situation.

CONCLUSION

For the reasons above, the request for refund is DISMISSED without prejudice.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/919,042	10/01/2010	Osamu Motoyama	3047283 (AP-855-MT)	3033

44331 7590 12/14/2010

HISCOCK & BARCLAY, LLP
2000 HSBC PLAZA
100 Chestnut Street
ROCHESTER, NY 14604-2404

EXAMINER	
ART UNIT	PAPER NUMBER
3728	

MAIL DATE	DELIVERY MODE
12/14/2010	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

HISCOCK & BARCLAY, LLP
2000 HSBC PLAZA
100 Chestnut Street
ROCHESTER NY 14604-2404

In re Application of	:	
MOTOYAMA, OSAMU	:	DECISION ON REQUEST TO
Application No. 12/919,042	:	PARTICIPATE IN PATENT
Filed: Aug. 24, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 3047283 (AP-855-MT)	:	PROGRAM AND PETITION
For: SENSOR BUFFER COVER FOR DIGITAL X-RAY	:	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(d), filed August 24, 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 Mickey Yu, SPE of Art Unit 3728, and 571-272-4562 for Class 206/305 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

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

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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:	12/919,055	Filing date:	Aug. 24, 2010
First Named Inventor:	Dario Rea		
Title of the Invention:	MACHINE FOR MAKING FILTER BAGS FOR INFUSION PRODUCTS AND WRAPPING THEM IN OUTER ENVELOPES		

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/IB2009/055519

The international filing date of the corresponding PCT application(s) is/are: December 4, 2009

Written Opinion of ISA

I. List of Required Documents:

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

☒ Is attached

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

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

☒ Is attached.

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

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

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/919,055
First Named Inventor:	Dario Rea

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 Aug. 24, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on Aug. 24, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claims are the same
2	2	Claims are the same
3	3	US claim depends only from claim 1
4	4	Claims are the same
5	5	US claim depends only from claim 3
6	6	Claims are the same
7	7	Claims are the same
8	8	Claims are the same
9	9	Claims are the same
10	10	US claim depends only from claim 1

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

Signature John P. Murtaugh	Date Oct. 17, 2011
Name (Print/Typed) John P. Murtaugh	Registration Number 34226

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/IB2009/055519	04.12.2009	12.12.2008

International Patent Classification (IPC) or both national classification and IPC
INV. B65B29/02

Applicant
IMA FLAVOUR S.R.L.

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

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

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA:
European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0
Fax: +49 89 2399 - 4465

Date of completion of this opinion
see form PCT/ISA/210

Authorized Officer
Damiani, Alberto
Telephone No. +49 89 2399-2535

WRITTEN OPINION OF T..E
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IB2009/055519

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	1-10
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-10
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-10
	No:	Claims	

2. Citations and explanations

see separate sheet

Section V:

1). Relevant documents

Reference is made to the following document:

D1: WO 01/62600

2). Claim 1

Document D1, whose a family member document is cited in the description and which can be regarded as the closest piece of prior art and, discloses (s. abstract and Fig. 1) a machine for making filter bags with infusion products in outer envelopes according to the preamble of claim 1.

Starting from document D1 as closest prior art, the problem to be solved is e.g. to be able to increase the production rate of the wrapped filter bags without compromising the quality of the seals around the outer envelopes.

The solution, which consists in performing both the transversal and the two longitudinal end seals simultaneously and by means of a rotating device equipped with a plurality of rotating sealing elements, has the advantage to avoid the time consuming step of sealing the transversal end edge by means of an additional, stationary sealing station.

Neither document D1 nor any other document of the available prior art, do show or suggest the claimed solution.

Therefore the subject-matter of independent claim 1 appears to be not only new but also inventive.

3). Claims 2-10

The subject-matters of claims 2-10 include all the features of claim 1, hence they are also regarded as not only new but also inventive (Article 33 (1) PCT).

4). General remarks

The subject-matters of claims 1-10 are undoubtedly industrially applicable (Article 33 (4) PCT).

Claims

1. A machine for making filter bags (103) for infusion products and wrapping them in outer envelopes (101), the machine (102) comprising:

- a plurality (L) of stations for making filter bags (103), each comprising at least one lobe for containing a charge of product, said plurality (L) of stations extending along an operating direction (D);

- movement devices (106) for moving the filter bag (103), along said operating direction (D), for positioning the filter bag (103) in

- a wrapping station (107) for wrapping a flat sheet (S) of overwrapping material around the filter bag (103) for forming a "U"-shaped wrapper around the filter bag (103) with at least two opposite wings between which the filter bag (103) is interposed; and

- a closing station (109) for closing two longitudinal end edges (S1, S2) and a transversal end edge (S3) of said "U"-wrapped sheet (S) to form a single outer envelope (101),

said machine (102) being characterised in that said closing station (109) comprises at least one joining carrousel (110) equipped with a plurality of sealing elements (112) for receiving respective single filter bags (103) with said folded overwrapping sheet (S); each sealing element (112) being movable in rotation with said joining carrousel (110) and being designed to allow simultaneous closing of said two longitudinal end edges (S1, S2) and of said transversal end edge (S3) of said sheet (S).

2. The machine according to claim 1, characterised in that said wrapping station (107) is stepwise driven and said joining carrousel (110) allows said sealing elements (112) to move stepwise in such a way that they are synchronised with the wrapping station (107).

3. The machine according to claim 1 or 2, characterised in that said sealing elements (112) are divided into two half-parts (111a, 111b) radially projecting from said joining carrousel (110); at least one of said half-parts (111a, 111b) being hinged, at respective ends connected to said joining carrousel (110), in such a way as to define at least a first open pickup or release condition for the outer envelope (101), in which the half-parts (111a, 111b) are separated, and a second close joining condition, in which the half-parts (111a, 111b) are in contact with each other.

4. The machine according to claim 3, characterised in that at least one half-part (111a, 111b) is equipped with sealing profiles (112a) matching the corresponding two longitudinal end edges (S1, S2) and the transversal end edge (S3) of a "U"-wrapped overwrapping sheet (S).

5. The machine according to claim 3 or 4, characterised in that each sealing element (112) is controlled by movement members (113), integrated in said joining carrousel (110), and designed to move each sealing element (112), between a first position (P1) close to the wrapping station (107) in which the sealing element (112) is in the open pickup condition, and a second position (P2) close to a grouping and inserting station (114) for the outer envelopes (101) in which the sealing element (112) is in the open release condition (P2), each sealing element (112) being in the close joining condition during the rotation from the wrapping station (107) to the grouping and inserting station (114).

6. The machine according to claim 3, characterised in that the joining carrousel (110) is equipped with at least four sealing elements (112) radially projecting from the joining carrousel (110).

7. The machine according to claim 1, comprising at least one packaging carousel (115), stepwise driven, radially equipped with a plurality of gripping

elements for gripping single filter bags (103), characterised in that said packaging carrousel (115) and said joining carrousel (110) are stepwise synchronised and have a two to one ratio in the number of respective gripping elements and sealing elements (112) present on each packaging carrousel (115) and joining carrousel (110).

8. The machine according to claim 7, characterised in that said joining carrousel (110), for each step completed, rotates by an angle (β) which is double the angle covered in one step by said packaging carrousel (115).

9. The machine according to claim 1, characterised in that said joining carrousel (110) is stepwise driven by means of an intermittent drive (100).

10. The machine according to any of the foregoing claims, characterised in that said closing station (109) operates by heat-sealing.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/919,055	08/24/2010	Dario Rea	BUG3-46987	3141

86378 7590 10/19/2011

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

EXAMINER
RADA, RINALDI I

ART UNIT	PAPER NUMBER
3721	

NOTIFICATION DATE	DELIVERY MODE
10/19/2011	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):

patdocket@pearne.com
dchervenak@pearne.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland OH 44114-3108

In re Application of: REA, DARIO et al Serial No.: 12/919,055 Filed: 08/24/10 Attorney Docket No. : BUG3-46987 Title: MACHINE FOR MAKING FILTER BAGS FOR INFUSION PRODUCTS AND WRAPPING THEM IN OUTER ENVELOPES	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 October 17, 2011 to make the above-identified application special.

The request and petition are **granted**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the IPAU, JPO, EPO, KIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

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

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

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

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

Patent
Attorney's Docket No. 1033413-000075

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	
	)	
Sangmu LEE et al.	)	Group Art Unit: Unassigned
	)	
Application No.: 12/919,069	)	Confirmation No.: 3249
	)	
Filed: August 24, 2010	)	
	)	
For: HEAT EXCHANGER AND AIR CONDITIONER USING THE SAME	)	

SUBMISSION OF REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY PROGRAM BETWEEN THE USPTO AND THE JPO BASED ON PCT WORK PRODUCTS

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

Sir:

In accordance with the U.S. Patent and Trademark Office Notice signed on January 23, 2010 setting forth the Patent Prosecution Highway Pilot Program between the United States Patent and Trademark Office and the Japan Patent Office based on Patent Cooperation Treaty Work Products (hereinafter "Notice"), submitted with this paper is a Request for Participation in the PCT-PPH Pilot Program between the JPO and the USPTO (hereinafter "Request"). The accompanying Request requests participation in the PCT-PPH Program and petitions to make this application special under the PCT-PPH program.

This application is the U.S. national stage application of International Application No. PCT/JP2009/057782 (hereinafter "corresponding international application"). Accordingly, the relationship between this U.S. application for which participation in the PCT-PPH pilot program is requested, and the corresponding international application satisfies requirement B(1)(a) illustrated in the Notice.

Applicants have therefore fully complied with the requirement of identifying the relationship between this U.S. application and the PCT application.

The latest work product of the Japan Patent Office (JPO) in the corresponding international application, namely the Written Opinion of the International Searching Authority (hereinafter "Written Opinion"), states that all of the claims in the corresponding international application satisfy the requirements of novelty, inventive step, and industrial application. A copy of the Written Opinion constituting the latest work product of the Japan Patent Office (JPO) in the corresponding international application is attached. As stated in paragraph B(6) of the Notice, an English-language translation of the Written Opinion is not required where the U.S. application and the corresponding PCT application satisfy the relationship of paragraph B(1)(a) of the Notice.

A copy of the claims from the corresponding international application, which the Written Opinion states satisfy the novelty, inventive step and industrial applicability requirements, are already in the U.S. application. An English-language translation of the claims is also already in the U.S. application.

A statement that the English-language translations of the claims are accurate is attached.

Claims 1-10 and 13 in this U.S. national stage application are identical to the claims in the corresponding international application, except that Claims 3, 5, 6, 7, 8-10 and 13 in this U.S. national stage application are amended to eliminate multiple dependencies. New Claims 14-20 are the same as Claims 3, 5, 6, 6, 7, 7 and 7, respectively, except for differences in dependencies. Claims 11 and 12 have been amended to comply with U.S. Patent Practice Format.

The accompanying Request includes a claims correspondence table indicating how the claims in this U.S. national stage application correspond to the claims in the corresponding international application. The documents cited in the Written Opinion have previously been listed in an Information Disclosure Statement filed with this application, and copies of the listed documents, other than the U.S. patents and U.S. patent application publications, have been provided.

It is believed that no petition fee is required. However, in the event any fee is due, the Commissioner is hereby authorized to charge the fee required by this paper, to Deposit Account No. 02-4800. If any questions arise concerning this matter, the undersigned attorney can be contacted at the telephone number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 28, 2010 By: _____

Michael Britton
Registration No. 47,260

Customer No. 21839
703 836 6620

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.:	12/919,069	Filing date:	August 24, 2010
First Named Inventor:	Sangmu Lee		
Title of the Invention:	HEAT EXCHANGER AND AIR CONDITIONER USING THE SAME		

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

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

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of the 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/JP2009/057782

The international date of the corresponding PCT application(s) is/are: April 24, 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 English language). A statement that the English translation is accurate is attached for the document in b. above.**

1. No translation for a. is required. See attached Submission.
2. A Statement that the English translation of the claims is accurate is attached.

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.

Document Description: Petition to make special under Patent Pros Hwy

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.:	12/919,069
First Named Inventor:	Sangmu Lee

d. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☐ Is attached.

☒ Has already been filed in the above identified U.S. application on 08/24/10, 09/27/10

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

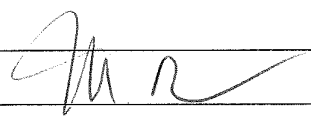
☐ Are attached.

☒ Have already been filed in the above identified U.S. application on 08/24/10, 09/27/10

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Identical
2	2	Identical
3	3/1	Identical, as dependent from claim 1
4	4	Identical
5	5/3	Identical, as dependent from claim 3
6	6/3	Identical, as dependent from claim 3
7	7/3	Identical, as dependent from claim 3
8	8/1	Identical, as dependent from claim 1
9	9/1	Identical, as dependent from claim 1
10	10/1	Identical, as dependent from claim 1
11	11/1	Substantively identical, amended to U.S. Patent Practice Format
12	12	Substantively identical, amended to U.S. Patent Practice Format
13	13/1	Identical, as dependent from claim 1
14	3/2	Identical, as dependent from claim 2
15	5/4	Identical, as dependent from claim 4
16	6/4	Identical, as dependent from claim 4
17	6/5	Identical, as dependent from claim 5
18	7/4	Identical, as dependent from claim 4
19	7/5	Identical, as dependent from claim 5
20	7/6	Identical, as dependent from claim 6

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

Signature		Date:	October 28, 2010
Name (Print/Typed)	Michael Britton	Registration Number	47,260

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

代理人
　小林　久夫

様

あて名
〒105-0001
日本国東京都港区虎ノ門一丁目１９番１０号第６セントラルビル　きさ特許商標事務所

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）	１９．０５．２００９
出願人又は代理人 の書類記号　569801W001	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２００９／０５７７８２	（日.月.年）　１７．０４．２００９	（日.月.年）　２４．０４．２００８

国際特許分類（ＩＰＣ）Int.Cl. F28F1/40(2006.01)i, F25B39/02(2006.01)i, F25B39/04(2006.01)i, F28F1/32(2006.01)i, B21D53/08(2006.01)n, F24F1/00(2006.01)n

出願人（氏名又は名称）
三菱電機株式会社

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
３０．０４．２００９

名称及びあて先	特許庁審査官（権限のある職員）		
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	柿沼　善一	3M	３５３０
	電話番号　０３－３５８１－１１０１　内線　３３７７		

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／ＪＰ２００９／０５７７８２

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／ＪＰ２００９／０５７７８２

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	１－１３	有
	請求項		無
進歩性（ＩＳ）	請求項	１－１３	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	１－１３	有
	請求項		無

２．　文献及び説明

文献１：
JP 2000-218332 A（日立電線株式会社）2000.08.08，全文、全図（ファミリーなし）
文献２：
JP 6-79380 A（昭和アルミニウム株式会社）1994.03.22，全文、全図（ファミリーなし）
文献３：
JP 11-351791 A（日立電線株式会社）1999.12.24，全文、全図（ファミリーなし）
文献４：
JP 2004-245534 A（株式会社神戸製鋼所）2004.09.02，全文、全図（ファミリーなし）
文献５：
JP 2004-230450 A（株式会社神戸製鋼所）2004.08.19，全文、全図（ファミリーなし）

請求の範囲１、３に係る発明における下記の特定事項は、国際調査報告で引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

「熱交換器において、変形抵抗が低いアルミニウム系材料からなるフィンと、前記フィンを形成するアルミニウム系材料より変形抵抗が高く内面に溝が設けられ前記フィンを貫通して固定されたアルミニウム系材料からなる伝熱管とを備えている」点。

STATEMENT

I,

Kiyoshi Ajima

of

KISA PATENT & TRADEMARK FIRM

The 6th Central Bldg. 1-19-10 Toranomon, Minato-ku, Tokyo, Japan,

declare that to the best of my knowledge and belief, the English translation of the Japanese claims of PCT/JP2009/057782 is accurate.

DATED this 12th day of October, 2010

K. Ajima

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.
12/919,069	08/24/2010	Sangmu Lee	1033413-000075	3249

21839 7590 11/02/2010
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
11/02/2010	ELECTRONIC

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

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

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

ADIPFDD@bipc.com
offserv@bipc.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
LEE, SANGMU et al	:	DECISION ON REQUEST TO
Application No. 12/919,069	:	PARTICIPATE IN PATENT
Filed: Aug. 24, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 1033413-000075	:	PROGRAM AND PETITION
Title: HEAT EXCHANGER AND AIR CONDITIONER 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 Oct. 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 disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

This application will be forwarded and docketed to an examiner for examination commensurate with the petition decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Cheryl Tyler, the SPE of Art Unit 3744, and 571-272-4834 for Class 62/498 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
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Alexandria, VA 22313-1450
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PCT LEGAL ADMINISTRATION

UNILEVER PATENT GROUP
800 SYLVAN AVENUE
AG West S. Wing
ENGLEWOOD CLIFFS NJ 07632-3100

In re Application of
Kalman et al.
Application No. 12/919,086
PCT No.: PCT/EP2009/051844
Int. Filing Date: 17 February 2009
Priority Date: 06 March 2008
Atty. Docket No.: J3934(C)
For: Vibrating Device

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 27 September 2010.

BACKGROUND

This international application was filed on 17 February 2009, claimed an earlier priority date of 06 March 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 11 September 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 06 September 2010. Applicants filed, *inter alia*, the basic national fee on 24 August 2010.

On 22 September 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Inspection of the published international application reveals that it nominates "NOTTINGHAM, Rachel, Marie" as an inventor, whereas on the declaration filed on 27 September 2010, the corresponding inventor is named as "COLOSIMO, Rachel Nottingham." Counsel states that this name change was the result of marriage. MPEP 605.04(b) states in part that

> *Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.*

In that the requested change clearly represents more than the correction of a typographical or transliteration error, a formal petition under 37 CFR 1.182 would be required in order for the change to be accepted. Applicants have filed such a petition, accompanied by an affidavit signed by Rachel Marie Nottingham and Rachel Nottingham Colosimo, who indicates that her name change was the result of marriage. Based on the totality of the evidence now of record, it would be appropriate to accept her name as it appears on the declaration.

DECISION

The petition is **GRANTED**.

The declaration filed on 27 September 2010 is **ACCEPTED** under 37 CFR 1.497(a) and (b).

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 **27 September 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

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DEC 14 2010

PCT LEGAL ADMINISTRATION

The Grafe Law Office, P.C.
P.O. Box 2689
Corrales NM 87048

In re Application of :
SUZARA, et al. : DECISION ON PETITION
Serial No.: 12/919,087 :
PCT No.: PCT/US2009/035604 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 28 February 2009 :
Priority Date: 28 February 2008 :
Atty Docket No.: 00098-07032 :
For: ARTIFICIAL ENZYMES :

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 23 November 2010 to accept the application without the signature of co-inventor Vincent Suzara.

BACKGROUND

On 28 February 2009, applicant filed international application PCT/US2009/035604 which claimed priority to a previous application filed 28 February 2008. 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 28 August 2010.

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

On 23 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 executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 23 November 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

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

behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1 and 3.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "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." 409.03(d) also states that:

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.

In the present case it appears that the inventor was merely presented with a combined declaration and power of attorney form. While the silence of the inventor for the period stated could be construed as a refusal, as shown above, the fact that the inventor was not presented with a complete set of application papers precludes the granting of the petition. Any future statements as to the presentation of a complete set of application papers to the non-signing inventor must be signed by a person with firsthand knowledge of the preparation and mailing of the papers.

Regarding item (4), it is not possible to accept the filed declaration as it contains non-dated, non-initialed corrections by the inventor. As detailed in MPEP 605.04(a):

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated.

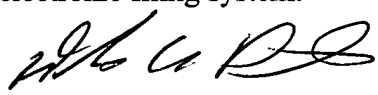
In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

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

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



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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

MAILED

JAN 25 2011

PCT LEGAL ADMINISTRATION

The Grafe Law Office, P.C.
P.O. Box 2689
Corrales NM 87048

In re Application of :
SUZARA, et al. : DECISION ON PETITION
Serial No.: 12/919,087 :
PCT No.: PCT/US2009/035604 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 28 February 2009 :
Priority Date: 28 February 2008 :
Atty Docket No.: 00098-07032 :
For: ARTIFICIAL ENZYMES :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 17 December 2010 to accept the application without the signature of co-inventor Vincent Suzara.

BACKGROUND

On 14 December 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to file any request for reconsideration.

On 17 December 2010, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

As detailed in the decision mailed 14 December 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 and 3.

With the filing of the present renewed petition and accompanying exhibits applicant has satisfied item (2).

Regarding item (4), applicant has not satisfied this item. A signed declaration was returned by inventor Bentley. However, the declaration contained non-dated, non-initialed corrections by the inventor. As detailed in MPEP 605.04(a):

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath

or declaration if the alterations are not initialed and dated.

It does not appear from the present filing that applicant has attempted to have a declaration newly executed by inventor Bentley. In order to proceed without the signatures of either inventor applicant would need to proceed under 37 CFR 1.47(b).

In light of the above, it is not possible to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED**.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

The Grafe Law Office, P.C.
P.O. Box 2689
Corrales NM 87048

MAILED

MAR 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SUZARA, et al. : DECISION ON PETITION
Serial No.: 12/919,087 :
PCT No.: PCT/US2009/035604 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 28 February 2009 :
Priority Date: 28 February 2008 :
Atty Docket No.: 00098-07032 :
For: ARTIFICIAL ENZYMES :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 14 February 2011 to accept the application without the signature of co-inventor Vincent Suzara.

BACKGROUND

On 25 January 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to file any request for reconsideration.

On 14 February 2011, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

As detailed in the decision mailed 14 December 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 through 3.

With the filing of the present renewed petition and accompanying exhibits applicant has satisfied the remaining item. The filed declaration is in compliance with 37 CFR 1.497(a)-(b) and therefore it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 29 February 2009 under 35 U.S.C. 363, and will be given a date of **14 February 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Paul Bentley
P.O. Box 1867
Corrales, NM 87048

MAILED

MAR 07 2011

PCT LEGAL ADMINISTRATION

In re Application of
SUZARA, et al.
Serial No.: 12/919,087
PCT No.: PCT/US2009/035604
Int. Filing Date: 28 February 2009
Priority Date: 28 February 2008
Atty Docket No.: 00098-07032
For: ARTIFICIAL ENZYMES

Dear Mr. Bentley:

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

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

Counsel of Record:

The Grafe Law Office, P.C.
P.O. Box 2689
Corrales NM 87048

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH, PA 15222

MAILED
JAN 11 2012
OFFICE OF PETITIONS

In re Application of Kruijt et al. :
Application No. 12/919,113 :
Int'l Filing Date: February 27, 2008 : Decision on Request
Attorney Docket No. 0702/102016 :
Pub. No. US 2011/0009290 A1 :
Pub. Date: January 13, 2011 :

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed March 7, 2011.

The request is **dismissed**.

Applicants request the application be republished because of the mistake in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

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

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

[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).

The mistake identified in the instant request is not a material Office mistake as required under 37 C.F.R. § 1.221(b). Specifically, the mistake does not affect the public's ability to appreciate the technical disclosure 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, the publication fee set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

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

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/919,142	08/25/2010	Naotaka Gotoh	086746-0014	3733

20277 7590 11/01/2010
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER	
ART UNIT	PAPER NUMBER
1765	

MAIL DATE	DELIVERY MODE
11/01/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

November 1, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Naotaka Gotoh et al.	:	PARTICIPATE IN PATENT
Serial No. 12/919,142	:	PROSECUTION HIGHWAY
Filed: August 24, 2010	:	PROGRAM AND
For: PROCESS FOR PRODUCING ALCOHOL-SOLUBLE URETHANE RESIN COMPOSITION: POLYURETHANE POROUS BODY, AND MOISTURE PERMEABLE FILM	:	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 August 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; 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 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

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

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

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

Attorney Docket No.: 1163-0823PUS1

Application No:	12/919,158	Filing date:	August 24, 2010
First Named Inventor:	Takuro ZUI		
Title of the Invention:	EXHAUST GAS RECIRCULATION VALVE AND METHOD OF PRODUCING EXHAUST GAS RECIRCULATION VALVE		

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/JP2009/000107

The international date of the corresponding PCT application(s) is/are: 14 Jan 2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☐ Is attached.

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

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

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

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

(continued)

Application No.:	12/919,158
First Named Inventor:	Takuro ZUI

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 Aug 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 Aug 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US Claim 1 sufficiently corresponds to PCT Claim 1
2	2	US Claim 2 sufficiently corresponds to PCT Claim 2
3	3	US Claim 3 sufficiently corresponds to PCT Claim 3
4	4	US Claim 4 sufficiently corresponds to PCT Claim 4
5	5	US Claim 5 sufficiently corresponds to PCT Claim 5
6	6	US Claim 6 sufficiently corresponds to PCT Claim 6
7	7	US Claim 7 sufficiently corresponds to PCT Claim 7
8	8	US Claim 8 sufficiently corresponds to PCT Claim 8

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

Signature	Date April 4, 2011
Name (Print/Typed) Chad J. Billings	Registration Number 48917

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 569889WO01	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/000107	14.01.2009	08.04.2008

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

Applicant
Mitsubishi Electric Corporation

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/JP2009/000107

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/JP2009/000107

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

1. Statement

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

2. Citations and explanations:

The invention as in claims 1-8 is novel, and involves an inventive step. None of the documents cited in the ISR discloses an exhaust gas recirculation valve provided with a spring for biasing a valve shaft and a drive shaft in the valve-closed direction via a spring holder, wherein a fastening member is provided which is biased in a radial direction by a spring via a spring holder so as to join the end of the drive shaft and the end of the valve shaft with each other; and such configuration would not be obvious to a person skilled in the art either.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/000107

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The "aforementioned motor shaft" in claim 2 is considered to be a typographical error of "aforementioned drive shaft".

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.
12/919,158	08/24/2010	Takuro Zui	1163-0823PUS1	3883

2292 7590 04/06/2011

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

EXAMINER	
BASTIANELLI, JOHN	

ART UNIT	PAPER NUMBER
3753	

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):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
ZUI, TAKURO et al	:	DECISION ON REQUEST TO
Application No. 12/919,158	:	PARTICIPATE IN PATENT
Filed: Aug. 24, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 1163-0823PUS1	:	PROGRAM AND PETITION
Title: EXHAUST GAS RECIRCULATION VALVE AND METHOD OF PRODUCING EXHAUST GAS RECIRCULATION VALVE	:	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 April 4, 2011, to make the above-identified application special.

The request and petition are granted.

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

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

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

This application will be forwarded and docketed to an examiner for examination commensurate with the petition decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Stephen Hepperle, the SPE of Art Unit 3753, and 571-272-4913 for Class 251/321 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
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APR 01 2011

PCT LEGAL ADMINISTRATION

CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of :
BURKAMP, Frank, et al. :
Application No.: 12/919,160 : DECISION ON
PCT No.: PCT/SE2009/050220 :
Int. Filing Date: 29 February 2009 : REQUEST
Priority Date: 27 February 2008 :
Attorney's Docket No.: 15652-12900-US : UNDER 37 CFR 1.42
For: 16 ALPHA, 17 ALPHA-ACETAL :
GLUCOCORTICOSTEROIDAL :
DERIVATIVES AND THEIR USE :

This decision responds to applicants' submission of a declaration of the inventors on 14 January 2011, containing an indication that joint inventor Paul Andersson is deceased. The declaration has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 15 November 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 14 January 2011, applicants filed a declaration of the inventors.

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 C.F.R. 1.42.

The oath or declaration must list all of the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. The declaration lists all of the inventors, lists citizenships for all living inventors and appears to list the citizenship, residence and postal address for the "heir". If the citizenship of the deceased inventor and the legal representative are the same, applicants can state so.

The declaration provided does not state that the "heir," Inga-Britt Andersson is the sole heir of the deceased joint inventor, Paul Andersson. If a legal representative has been or is

required to be appointed under applicable law, such person must sign the declaration and indicate the relationship, e.g., "legal representative of inventor Paul Andersson." Otherwise, all heirs of Paul Andersson must sign the declaration and indicate the relationship, *e.g.*, "sole heir of Paul Andersson," or "legal representative of Paul Andersson." The indication that Inga-Britt Andersson is an heir leaves open the possibility that there are other non-signing joint heirs. If Ms. Inga-Britt Andersson is the sole heir and is signing the declaration as the legal representative of the estate of Paul Andersson, a statement to that effect will be sufficient.

CONCLUSION

For the above reasons, the request for status under 37 C.F.R. 1.42 is **REFUSED**.

Applicants are required to submit an oath or declaration in compliance with 37 C.F.R. 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 C.F.R. 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/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

MAILED
AUG 02 2011
PCT LEGAL ADMINISTRATION

In re Application of :
BURKAMP, Frank, et al. :
Application No.: 12/919,160 :
PCT No.: PCT/SE2009/050220 :
Int. Filing Date: 29 February 2009 :
Priority Date: 27 February 2008 :
Attorney's Docket No.: 15652-12900-US :
For: 16 ALPHA, 17 ALPHA-ACETAL GLUCOCORTICOSTEROIDAL DERIVATIVES AND THEIR USE :

DECISION ON

REQUEST

UNDER 37 CFR 1.42

This decision responds to applicants' renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 01 June 2011.

BACKGROUND

On 01 April 2011, the Office mailed Decision On Request, refusing applicants' request for status.

On 01 June 2011, applicants filed this renewed request.

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 C.F.R. 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. Applicant indicate that the citizenship, residence and mailing address listed are for both the deceased inventor and the sole heir.

Applicants state that Inga-Britt Andersson is the sole heir of inventor Paul Andersson. The submission of a declaration by sole heir is construed to mean that a legal representative has not been appointed nor is one required to be appointed under applicable law and that the authority of the heir corresponds to that of a legal representative. If this is not correct, applicants must notify the Office immediately.

The declarations submitted 14 January 2011 satisfy the requirements of 37 CFR 1.42 and 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 C.F.R. 1.42 is **GRANTED**.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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

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

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

Application No:	12/919,166	Filing date:	August 24, 2010
First Named Inventor:	Uwe NUMRICH		
Title of the Invention:	PLASTIC-MIXTURES COMPRISING THERMOPLASTIC POLYURETHAN (TPU) AND IMPACT-RESISTANT POLY(METH)ACRYLATE		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP09/052377

The international filing date of the corresponding PCT application(s) is/are: February 27, 2009

I. List of Required Documents:

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

☒ Is attached see Appendix A

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-EP (05-10)
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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.:	12/919,166
First Named Inventor:	Uwe NUMRICH

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on August 24, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on August 24, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
		see Appendix B

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

Signature	Date 4/28/11
Name (Print/Typed) Jacob A. Doughty	Registration Number 46,671

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/919,166
Attorney Docket No. 365260US0PCT

APPENDIX A

International Preliminary Report on Patentability and Written Opinion Issued by the International Bureau in PCT/EP09/052377 on November 25, 2010

PATENT COOPERATION TREATY

PCT/EP2009/052377

From the INTERNATIONAL BUREAU

PCT

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

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

To:

EVONIK RÖHM GMBH
DG-IPM-PAT
Rodenbacher Chaussee 4
63457 Hanau
ALLEMAGNE

Eingang bei
Intellectual Property
Management
30. NOV. 2010
Standort Wolfgang

Date of mailing *(day/month/year)* 25 November 2010 (25.11.2010)	
Applicant's or agent's file reference 2007P00301WO	IMPORTANT NOTIFICATION
International application No. PCT/EP2009/052377	International filing date *(day/month/year)* 27 February 2009 (27.02.2009)
Applicant EVONIK RÖHM GMBH et al	

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

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

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

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

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

None

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

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

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

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

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

H001021865

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

Facsimile No. +41 22 338 82 70

Authorized officer
Agnes Wittmann-Regis

e-mail: pt06.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 2007P00301WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/EP2009/052377	International filing date *(day/month/year)* 27 February 2009 (27.02.2009)	Priority date *(day/month/year)* 06 May 2008 (06.05.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant EVONIK RÖHM GMBH		

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

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

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

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

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 17 November 2010 (17.11.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Agnes Wittmann-Regis e-mail: pt06.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	**See form PCT/ISA/210**
Applicant's or agent's file reference 2007P00301WO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP2009/052377	27.02.2009	06.05.2008

International Patent Classification (IPC) or both national classification and IPC
C08L75/04

Applicant
EVONIK RÖHM GMBH

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

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

2. **FURTHER ACTION**

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

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

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

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

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

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/052377

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/EP2009/052377

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	1-22	YES
	Claims		NO
Inventive step (IS)	Claims	1-22	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims		NO

2. Citations and explanations:

Reference is made to the following documents:

D1: GB-A-2 226 324 (ROEHM GMBH [DE]) 27 June 1990 (1990-06-27)

D2: EP-A-0 272 975 (ALTULOR SA [FR]) 29 June 1988 (1988-06-29)

1. Novelty (PCT Article 33(2))

1.1 Claim 1 of the present application concerns a mixture of plastic materials, comprising at least one thermoplastic polyurethane A) and at least one impact-resistant modified poly(meth)acrylate B), characterised in that the impact-resistant modified poly(meth)acrylate B) has a hard phase having a glass transition temperature of at least 70°C and a ductile phase having a glass transition temperature of no more than -10°C, the ductile phase having a mean particle size of no more than 130 nm and at least part of the ductile phase being covalently bonded to the hard phase.

1.2 Document D1 discloses mixtures of plastic

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

materials, in which PMMA is compounded with TPU. However, D1 uses a PMMA that does not correspond to the specifications of claim 1 of the present application.

The difference between the present application and D1 is that in the present application the impact-resistant modified polymethacrylate is characterised in that the impact-resistant modified poly(meth)acrylate B) has a hard phase having a glass transition temperature of at least 70°C and a ductile phase having a glass transition temperature of no more than -10°C, the ductile phase has a mean particle size of no more than 130 nm, and at least part of the ductile phase is covalently bonded to the hard phase.

The subject matter of independent claims 1, 19 and 20 and of dependent claims 2-18 and 21-22 is therefore novel (PCT Article (33(2)).

2. Inventive step (PCT Article 33(3))

Document D1 is considered to be the prior art closest to the subject matter of claim 1 and discloses mixtures of plastic materials in which PMMA is compounded with TPU. However, D1 uses a PMMA that does not correspond to the specifications of claim 1 of the present application.

The difference between the present application and D1 is that in the present application the impact-resistant modified polymethacrylate is characterised in that the impact-resistant

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

modified poly(meth)acrylate B) has a hard phase having a glass transition temperature of at least 70°C and a ductile phase having a glass transition temperature of no more than -10°C, the ductile phase has a mean particle size of no more than 130 nm, and at least part of the ductile phase is covalently bonded to the hard phase.

The technical effect resulting from this difference is a higher elongation at break (see examples 1-2 and comparative examples 1-2 of the present application). For this reason, the objective technical problem to be solved is how the mixture of plastic materials of D1 can be modified such as to achieve a higher elongation at break.

Even if D2 discloses a polymethacrylate that has a hard phase having a glass transition temperature of more than 70°C and a ductile phase having a glass transition temperature of less than -10°C, wherein the ductile phase has a mean particle size of less than 130 nm and at least part of the ductile phase is covalently bonded to the hard phase by means of a crosslinking agent (see page 3, line 5 - page 4, line 15 of D2), no suggestion of the use of a TPU or of an improvement in the elongation at break can be found in D2. Therefore, proceeding from D1, nothing would have prompted a person skilled in the art to use a mixture of TPU and the impact-resistant modified PMMA according to claim 1 of the present invention. For this reason, the solution to this problem, as proposed in claims 1-22 of the present application,

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/052377

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
	involves an inventive step (PCT Article 33(3)).

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/052377

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:

1. The application fails to comply with the requirements of PCT Article 6 because independent claim 1 is unclear.

1.1 Independent claim 1 defines the invention by parameters that are all essential features. Specifying the measuring method and measuring means for the parameter values stated in claim 1 is fundamentally necessary for a clear definition of the parameters.

APPENDIX B

Claims Correspondence Table

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/919,166
Attorney Docket No. 365260US0PCT

CLAIMS CORRESPONDENCE TABLE

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

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/919,166
Attorney Docket No. 365260US0PCT

CLAIMS CORRESPONDENCE TABLE

Claims in US Application	Patentable Claims in PCT Application	Explanation regarding the correspondence
Claim 10	Claim 10	Claim 10 of the US application is substantively identical to claim 10 of the PCT application, except that PCT claim 10 depends from any of PCT claims 1 to 9, while US claim 10 depends only from US claim 1.
Claim 11	Claim 11	Claim 11 of the US application is substantively identical to claim 11 of the PCT application.
Claim 12	Claim 12	Claim 12 of the US application is substantively identical to claim 12 of the PCT application, except that PCT claim 12 depends from PCT claims 10 or 11, while US claim 12 depends only from US claim 10.
Claim 13	Claim 13	Claim 13 of the US application is substantively identical to claim 13 of the PCT application, except that PCT claim 13 depends from any of PCT claims 1 to 12, while US claim 13 depends only from US claim 13.
Claim 14	Claim 14	Claim 14 of the US application is substantively identical to claim 14 of the PCT application, except that PCT claim 14 depends from any of PCT claims 1 to 13, while US claim 14 depends only from US claim 1.
Claim 15	Claim 15	Claim 15 of the US application is substantively identical to claim 15 of the PCT application.
Claim 16	Claim 16	Claim 16 of the US application is substantively identical to claim 16 of the PCT application, except that PCT claim 16 depends from any of PCT claims 1 to 26, while US claim 16 depends only from US claim 1.
Claim 17	Claim 17	Claim 17 of the US application is substantively identical to claim 17 of the PCT application.
Claim 18	Claim 18	Claim 18 of the US application is substantively identical to claim 18 of the PCT application, except that PCT claim 18 depends from any of PCT claims 1 to 17, while US claim 18 depends only from US claim 1.

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/919,166
Attorney Docket No. 365260US0PCT

CLAIMS CORRESPONDENCE TABLE

Claims in US Application	Patentable Claims in PCT Application	Explanation regarding the correspondence
Claim 19	Claim 19	Claim 19 of the US application is substantively identical to claim 19 of the PCT application, except that PCT claim 19 depends from any of PCT claims 1 to 18, while US claim 19 depends only from US claim 1.
Claim 20	Claim 20	Claim 20 of the US application is substantively identical to claim 20 of the PCT application, except that PCT claim 20 depends from any of PCT claims 1 to 18, while US claim 20 depends only from US claim 1.
Claim 21	Claim 21	Claim 21 of the US application is substantively identical to claim 10 of the PCT application.
Claim 22	Claim 22	Claim 22 of the US application is substantively identical to claim 22 of the PCT application, except that PCT claim 22 depends from PCT claim 20 or claim 21, while US claim 22 depends only from US claim 1.

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/919,166
Attorney Docket No. 365260US0PCT

APPENDIX C

Statement Regarding Observations in Box VIII of Written Opinion in International Preliminary Report on Patentability Issued by the International Bureau in PCT/EP09/052377 on November 25, 2010

DOCKET NO: 365260US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:	
UWE NUMRICH, ET AL.	:	
SERIAL NO: 12/919,166	:	
FILED: AUGUST 24, 2010	:	GROUP ART UNIT: 1762
FOR: PLASTIC MIXTURES COMPRISING THERMOPLASTIC POLYURETHANE (TPU) AND IMPACT-RESISTANT POLY(METH)ACRYLATE	:	

STATEMENT REGARDING OBSERVATIONS IN BOX VIII OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The Notice "Patent Prosecution Highway Pilot Program between the United States Patent and Trademark Office and the European Patent Office based on Patent Cooperation Treaty Work Products," 1351 O.G. 208 (February 23, 2010), indicates that Applicants must provide an explanation of why the claims are not subject to the observations in Box VIII of the latest work product in the international phase of the corresponding PCT application.

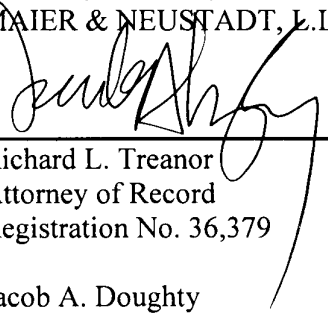
The Written Opinion in the International Preliminary Report on Patentability Issued on November 25, 2010 in International Application No. PCT/EP09/052377 (the International application of which the present application is the U.S. national stage) includes observations in Box VIII. In particular, it is asserted that claim 1 is unclear because the methods and means by which the recited parameter values are measured are not specified. However, Applicants submit that claim 1 of the present application, which correspond to claim 1 of the PCT application, is fully compliant with the definiteness requirement of 35 U.S.C. §112,

second paragraph. That is, one of ordinary skill in the art, viewing the specification and claims of the present application, could readily determine the metes and bounds of claim 1, without the need for explicit recitation of, e.g., the method by which glass transition temperature is determined. Applicants direct attention in particular to the disclosure in the present specification at, for example, page 8, line 12 to page 9, line 15.

In view of the foregoing, Applicants submit that the present application is eligible to participate in Patent Prosecution Highway Pilot Program between the United States Patent and Trademark Office and the European Patent Office based on Patent Cooperation Treaty Work Products.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



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(OSMMN 07/09)

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.
12/919,166	08/24/2010	Uwe Numrich	365260US0PCT	3929

22850 7590 06/01/2011

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

EXAMINER	
NILAND, PATRICK DENNIS	
ART UNIT	**PAPER NUMBER**
1762	

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):

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

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EL

May 31, 2011

In re application of	:	DECISION ON REQUEST TO
Numrich, et al.	:	PARTICIPATE IN PATENT
Serial No. 12/919166	:	PROSECUTION HIGHWAY
Filed: August 24, 2010	:	PROGRAM AND
For: **PLASTIC MIXTURES COMPRISING THERMOPLASTIC POLYURETHANE (TPU) AND IMPACT-RESISTANT POLY(METH)ACRYLATE**	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed April 28, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to 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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FEB 14 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
KEEN	:	
Application No.: 12/919,179	:	DECISION
PCT No.: PCT/GB2009/000492	:	
Int. Filing Date: 24 February 2009	:	
Priority Date: 25 February 2008	:	
Attorney's Docket No.: 158.P001	:	
For: RECEIVING INPUT DATA	:	

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 04 January 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 24 February 2009, applicant filed international application PCT/GB2009/000492, which designated the U.S. and claimed a priority date of 25 February 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 03 September 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 August 2010.

On 24 August 2010, applicant filed a submission for entry into the national stage in the United States. The submission did not include the U.S. Basic National Fee.

On 04 January 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 basic national fee was submitted on 04 January 2011.

As to item (2), applicants submitted the petition fee on 04 January 2011.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/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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OCT 22 2010

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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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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of	:	
Klapproth et al.	:	
Application No.: 12/919,186	:	DECISION
PCT No.: PCT/IB2008/053911	:	
Int. Filing Date: 25 September 2008	:	ON
Priority Date: 27 September 2007	:	
Attorney Docket No.: 12291-036-999	:	PETITION
For: Clock Generator	:	

The petition to revive under 37 CFR 1.137(b) filed on 24 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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DEC 01 2010

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RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS MI 48304-0610

In re Application of :
HUBER et al. :
Application No.: 12/919,193 : DECISION on
PCT No.: PCT/EP08/08911 :
Int. Filing Date: 22 October 2008 : PETITION
Priority Date: 24 October 2007 :
Attorney Docket No.: 66997-0010 : UNDER 37 CFR 1.137(b)
For: DEVICE FOR HUMIDIFYING AND HEATING A :
COMBUSTIBLE GAS TO BE REFORMED FOR A FUEL:
CELL

The petition to revive under 37 CFR 1.137(b) filed 24 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Per applicant's authorization, the surcharge for filing the declaration after the thirty month period will be charged to his deposit account.

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 24 August 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

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OCT 21 2010

PCT LEGAL ADMINISTRATION

Hewlett-Packard Company
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
Fort Collins, CO 80528

In re Application of :
ARNALDOS et al. :
Application No.: 12/919,202 :
PCT No.: PCT/EP2009/051022 : DECISION ON PETITION
Int. Filing Date: 29 January 2009 : UNDER 37 CFR 1.137(b)
Priority Date: 29 January 2008 :
Attorney Docket No.: 200507600-4 :
For: PATTERN FOR IDENTIFYING A :
LOCATION ON A SURFACE

The petition to revive under 37 CFR 1.137(b) filed 24 August 2010 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the 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

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United States Patent and Trademark Office
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MAY 03 2011

PCT LEGAL ADMINISTRATION

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

In re Application of	:	
STEPHENS	:	
Application No.: 12/919,203	:	
PCT No.: PCT/GB09/00505	:	DECISION ON
Int. Filing Date: 24 February 2009	:	
Priority Date: 25 February 2008	:	under 37 CFR 1.497(d)
Atty Docket No.: 66031/S307	:	
For: DRY PIPE SPRINKLER SYSTEM	:	

This is a decision on applicant's' "Request for Correction of Inventorship Under 37 CFR 1.497(d)" filed 22 February 2011 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application. Applicant's request for a three month extension of time is granted.

BACKGROUND

On 24 August 2010, applicant filed a request for entry into the U.S. national stage for the above referenced PCT application.

On 29 September 2010, a Notification of Missing Requirements was mailed indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required, along with the surcharge for filing the oath or declaration after the thirty month period.

On 22 February 2011, applicant filed a petition under 37 CFR 1.497(d) to delete LOUISE ANNE JACKMAN as an inventor.

DISCUSSION

LOUISA ANNE JACKMAN was named as an inventor in the published international application PCT/GB09/00505.

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 or being deleted 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(h); 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 Item (1) with the statement of LOUISA ANNE JACKMAN that any error in inventorship occurred without deceptive intent. Item (2) above is satisfied with the payment of the petition fee.

With regard to Item (3), it appears from the USPTO records that an assignment of the application has occurred; however, the Written Consent of the assignee(s) consenting to the deletion of LOUISA ANNE JACKMAN as an inventor in this application to correct the inventorship under 37 CFR 1.497(d)(3) was not provided. (See 37 CFR 3.73(b)). Item (3) above is not yet satisfied.

Accordingly, applicant has not met all of the requirements to delete LOUISA ANNE JACKMAN as an inventor in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby dismissed.

CONCLUSION

The petition under 37 CFR 1.1497(d) to Correct Inventorship in the above-captioned application is **DISMISSED WITHOUT PREJUDICE.** The written consent of the assignee to delete LOUISA ANNE JACKMAN as an inventor in the above-identified international application is required.

Any reconsideration on the merits of the renewed petition under 37 CFR §1.497(d) 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 §1.497(d)." No petition fee is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571)272-3286
Facsimile: (571)273-0459

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PCT LEGAL ADMINISTRATION

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

In re Application of	:	
STEPHENS	:	
Application No.: 12/919,203	:	
PCT No.: PCT/GB09/00505	:	DECISION ON
Int. Filing Date: 24 February 2009	:	
Priority Date: 25 February 2008	:	under 37 CFR 1.497(d)
Atty Docket No.: 66031/S307	:	
For: DRY PIPE SPRINKLER SYSTEM	:	

This is a decision on applicant's' "Renewed Petition Under 37 CFR 1.497(d) For Correction of Inventorship" filed 09 June 2011 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application.

BACKGROUND

On 24 August 2010, applicant filed a request for entry into the U.S. national stage for the above referenced PCT application.

On 29 September 2010, a Notification of Missing Requirements was mailed indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required, along with the surcharge for filing the oath or declaration after the thirty month period.

On 22 February 2011, applicant filed a petition under 37 CFR 1.497(d) to delete LOUISE ANNE JACKMAN as an inventor. On 04 May 2011, a decision dismissing the petition was mailed.

DISCUSSION

LOUISA ANNE JACKMAN was named as an inventor in the published international application PCT/GB09/00505.

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 or being deleted 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(h); 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 previously satisfied Item (1) and (2) above.

With regard to Item (3), the Written Consent of the assignee(s) consenting to the deletion of LOUISA ANNE JACKMAN as an inventor in this application to correct the inventorship under 37 CFR 1.497(d)(3) was now provided. Item (3) above is satisfied.

Accordingly, applicant has met all of the requirements to delete LOUISA ANNE JACKMAN as an inventor in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby granted.

CONCLUSION

The petition under 37 CFR 1.1497(d) to Correct Inventorship to delete LOUISA ANNE JACKMAN as an inventor in the above-identified application in the above-captioned application is **GRANTED.**

The application will be forwarded to the United States Designated/Elected Office for further processing.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571)272-3286
Facsimile: (571)273-0459

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DOWELL & DOWELL P.C.
103 Oronoco St.
Suite 220
Alexandria VA 22314

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FEB 10 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SHUTE et al :
Application No.: 12/919,241 :
PCT No.: PCT/CA2009/000206 :
Int. Filing Date: 02 February 2009 : DECISION
Priority Date: 02 February 2008 :
Attorney's Docket No.: 17345NP :
For: HEEL UNIT FOR ALPINE TOURING BIND :

This decision is in response to the "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" filed 11 November 2010, which is being treated as a petition under 37 CFR 1.181, requesting the acceptance of the declaration filed on 10 November 2010 as a properly executed declaration.

BACKGROUND

On 25 August 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 U.S. basic national fee. However, no executed oath or declaration accompanied the international application.

On 27 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." The notice set a reply of two months from its date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 04 October 2010, applicants filed an executed declaration; however, it did not identify the application to which it was directed and, in addition, it had a complication of the same sheets (sheet 4) making an improper composite declaration.

On 19 October 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 submitted to the USPTO o October 4, 2010 is defective for two reasons.

On 10 November 2010, applicants responded to the Notification mailed on 19 October 2010 by submitting, inter alia, a response and a copy of the executed composite declaration. The response states that at the bottom of page 3 of form PTO/SB/01 has four supplemental sheets, each being signed by one of the four additional inventors.

DISCUSSION

Applicants' response is a defective response to the Notification of Missing Requirements (FORM PCT/DO/EO/905) mailed on 19 October 2010.

For the reason below, the application may not enter into national stage processing at this time.

Applicants have filed an improper composite declaration on 10 November 2010 because it does not comply with 37 CFR 1.497(a)(3). A Declaration, under 37 CFR 1.497(a)(3), must identify each inventor. See MPEP § 602. In this instance, applicants submitted a composite declaration comprising of four sets of declarations, which one is complete because it contains the 5 pages, while the other sets only have the fourth sheet and are missing pages one and three, and page five.

Copies of the same page is not part of a set of a proper declaration because it is considered a set of declarations and each set must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole will have all the required signatures of the inventors as required under 37 CFR 1.497(a)(3).

Thus, the executed declaration filed on 10 November 2010 is improper and a proper executed composite declaration is required.

CONCLUSION

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

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within ONE (1) MONTH from the mail date of this decision or within the time limit in the response set forth in the Notification of Missing Requirements, whichever is longer. The period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a). Failure to respond will result in the abandonment of the application.

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

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DOWELL & DOWELL P.C.
103 Oronoco St.
Suite 220
Alexandria VA 22314

MAILED

MAY 04 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SHUTE et al :
Application No.: 12/919,241 :
PCT No.: PCT/CA2009/000206 :
Int. Filing Date: 20 February 2009 : DECISION
Priority Date: 29 February 2008 :
Attorney's Docket No.: 17345NP :
For: HEEL UNIT FOR ALPINE TOURING BIND :

This decision is responsive to applicants' "RESPONSE," which is being treated as a renewed petition under 37 CFR 1.181, filed on 07 March 2011 requesting the acceptance of the set of executed declarations.

BACKGROUND

In a decision from this Office on 10 February 2011, the declaration submitted was not accepted because it did not comply with 37 CFR 1.497(a) and (b) because applicants submitted a composite declaration, which were incomplete.

On 07 March 2011 applicants submitted a second renewed petition under 37 CFR 1.181 submitting a properly executed declaration so that the set of declarations is now proper.

DISCUSSION

The declarations filed on 07 March 2011 are a properly set of executed declarations that satisfies the conditions set forth under 37 CFR 1.497(a) and (b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **07 March 2011.**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Administration
Work (571) 272-6312
Fax (571) 273-0459

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HARRINGTON & SMITH
4 RESEARCH DRIVE, SUITE 202
SHELTON, CT 06484-6212

MAILED

NOV 09 2010

PCT LEGAL ADMINISTRATION

In re Application of HALFMANN et al :
U.S. Application No.: 12/919,288 :
PCT Application No.: PCT/EP2009/051768 :
Int. Filing Date: 16 February 2009 : DECISION
Priority Date Claimed: 27 February 2008 :
Attorney Docket No.: 863.0221.U1(US) :
For: INTER-NETWORK-NODES FLOW CONTROL :

This is in response to applicant's petition under 37 CFR 1.47(a) filed 20 September 2010.

BACKGROUND

On 16 February 2009, applicant filed international application PCT/EP2009/051768, which claimed priority of an earlier European Patent Office application filed 27 February 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 03 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 27 August 2010.

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

On 20 September 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted 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,

> 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 petition states that joint inventor Yikang Xiang cannot be found. The petition sufficiently demonstrates that a diligent effort was made to locate inventor Xiang. In particular, the petition includes evidence of unsuccessful attempts to reach inventor Xiang by courier, by searching directories, and by contacting the other joint inventors (see affidavit of Eija Karhunen). Thus, it can be concluded with reasonable certainty that inventor Xiang cannot be found.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known 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 16 February 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 September 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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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Yikang Xiang
Stadelheimer Str. 57
81549 Munchen
GERMANY

MAILED
NOV 09 2010
PCT LEGAL ADMINISTRATION

In re Application of HALFMANN et al
U.S. Application No.: 12/919,288
PCT Application No.: PCT/EP2009/051768
Int. Filing Date: 16 February 2009
Priority Date Claimed: 27 February 2008
For: INTER-NETWORK-NODES FLOW CONTROL

Dear Yikang Xiang:

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

HARRINGTON & SMITH
4 RESEARCH DRIVE, SUITE 202
SHELTON, CT 06484-6212
Attorney Docket No.: 863.0221.U1(US)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/919,354	08/25/2010	Yoshiaki Asahara	14372/14	5568

23838 7590 08/30/2011

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER	
TRAN, KHOI H	

ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
08/30/2011	PAPER

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

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

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AUG 30 2011

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re application of : **DECISION ON REQUEST TO**
Asahara et al. : **PARTICIPATE IN PATENT**
Application No. 12/919,354 : **PROSECUTION HIGHWAY**
Filed: August 25, 2010 : **PROGRAM AND PETITION**
For: AUTONOMOUS MOBILE ROBOT, : **TO MAKE SPECIAL UNDER**
SELF POSITION ESTIMATION : **37 CFR 1.102(a)**
METHOD, ENVIRONMENTAL MAP
GENERATION METHOD, ENVIRONMENTAL
MAP GENERATION APPARATUS, AND
DATA STRUCTURE FOR ENVIRONMENTAL MAP

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 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 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

MB/MB: 08/29/11

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

MAILED

JUL 06 2011

PCT LEGAL ADMINISTRATION

In re Application of
SIEBER et al.
App. No.: 12/919,363
PCT No.: PCT/EP09/00752
Int. Filing Date: 04 February 2009
Priority Date: 26 February 2008
Attorney's Docket No.: 028622-0249
For: BETA-LACTONES AS ANTIBACTERIAL AGENTS

DECISION ON

DECLARATION

This is a decision on applicants' Response to Notice of Defective Response, filed on 10 December 2010 and declaration filed on 23 November 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 24 September 2010, a Notification of Missing Requirements was mailed to applicant indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required as alterations were made to the declaration submitted.

On 23 November 2010, applicant filed a response including a declaration executed by the inventors. The declaration, executed and dated by inventor Stephan A. Sieber, contained an non-initialed alteration to his address.

On 02 December 2010, a Notification of Defective Response was mailed indicating that the declaration executed by Stephan A. Sieber was unacceptable as it contained an non-initialed alteration. On 10 December 2010, applicant filed a response along with a copy of the executed declaration. On 01 April 2011, a second of Notification of Defective Response was mailed indicating that the alterations made to the declaration were not initialed and that a new declaration was required. On 28 April 2011, applicant filed a response along with a declaration, initialed and dated by inventor Stephan A. Sieber.

DISCUSSION

A declaration containing non-initialed alterations is not in accord with MPEP 605.04(a)[1]. However, such declaration is sufficient for purposes of entry into the U.S. national phase if the declaration satisfies the requirements of 37 CFR 1.497(a) and (b). Applicant is advised that the acceptance of such declaration under 37 CFR 1.497(a) and (b) does not prohibit the examiner from later requiring a new oath or declaration to cure the defect.

A review of the declaration submitted on 23 November 2010 reveals that it meets the

[1] "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."

requirements of 37 CFR 1.497(a) and (b) and is acceptable. Therefore, the Notification of Defective Response mailed on 02 December 2010 and 01 April 2011 are hereby **VACATED.**

The Notification of Acceptance mailed on 05 May 2011 indicating the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 28 April 2011 is hereby **VACATED**.

CONCLUSION

The Notification of Defective Response mailed on 02 December 2010 and 01 April 2011 are hereby **VACATED**.

The Notification of Acceptance mailed on 05 May 2011 is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a new Notification of Acceptance. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 23 November 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571)272-3286
Facsimile: (571)273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/919,379	08/25/2010	Kohei Takahashi	14434.367USWO	5719

53148 7590 03/24/2011

HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

EXAMINER	
BUI PHO, PASCAL M	
ART UNIT	**PAPER NUMBER**
2878	

MAIL DATE	DELIVERY MODE
03/24/2011	PAPER

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

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

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HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re Application of	**: DECISION ON REQUEST TO**
TAKAHASHI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/919,379	**: PROSECUTION HIGHWAY**
Filed: 25 August 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 14434.367USWO	**: TO MAKE SPECIAL UNDER**
For: RADIATION DETECTOR AND RADIATION DETECTION METHOD	**: 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 01 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

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

MAILED
JAN 04 2011
PCT LEGAL ADMINISTRATION

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

In re Application of:
YANAGIHARA, Kazufumi, et al.
U.S. Application No.: 12/919,394
PCT No.: PCT/JP2009/053732
International Filing Date: 27 February 2009
Priority Date: 29 February 2008
Attorney Docket No.: 365356US99PCT
For: PROCESS FOR PRODUCTION OF THIOPHENE COMPOUND AND INTERMEDIATE THEREOF

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.182 To Correct Name Of Inventor" filed 10 November 2010. Applicants have submitted the required $400 petition fee.

BACKGROUND

On 27 February 2009, applicants filed international application PCT/JP2009/053732. The application claimed a priority date of 29 February 2008, and it designated the United States. On 03 September 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 29 August 2010. The international application identified the second inventor as Shingo OWADA.

On 25 August 2010, applicants filed a Transmittal Letter for entry into the national stage accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an executed declaration. The declaration identified the second inventor as Shingo UMEZAWA.

On 05 October 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required. The Notification indicated that the declaration filed 25 August 2010 could not be accepted because of the difference between the name of record of the second inventor (Shingo OWADA) and the name of this inventor listed on the declaration (Shingo UMEZAWA).

On 10 November 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the surcharge and the "Petition Under 37 CFR 1.182 To Correct Name Of Inventor" considered herein.

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).

The present petition indicates that the name of the second inventor has changed since the filing of the international application. In order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required.

Section 605.04(c) of the MPEP sets forth the requirements for a petition under 37 CFR 1.182 to correct an inventor's name. According to the MPEP, such a petition "must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order."

Applicants' present petition is accompanied by payment of the required $400 petition fee and a statement from the second inventor in which the inventor confirms that, as a result of marriage, her name was legally changed from Shingo OWADA to Shingo UMEZAWA. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to change the name of record for the second inventor from Shingo OWADA to Shingo UMEZAWAI.

Based on this correction, the declaration filed 25 August 2010 is no longer defective for failure to properly identify the inventors of record. Such declaration may therefore be accepted in compliance with 37 CFR 1.497.

It is noted that, because the declaration was filed on 25 August 2010, prior to the expiration of thirty months from the priority date, the surcharge for filing the declaration later than thirty months after the priority date is not required. Accordingly, the $130 surcharge payment submitted by applicants with the present petition will be refunded.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor from Shingo OWADA to Shingo UMEZAWA is **GRANTED**.

Based on this correction, the declaration filed on 25 August 2010 is now acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 25 August 2010.

/RichardMRoss/

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

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/919,407	Filing date:	2010-08-30
First Named Inventor:	Oliver Schaefer et al.		
Title of the Invention:	Polymer Blends Containing Polydiorganosiloxane Urea Copolymers		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2009/052018

The international filing date of the corresponding PCT application(s) is/are: February 20, 2009

I. List of Required Documents:

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

☒ Is attached

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-EP (05-10)
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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.:	12919407
First Named Inventor:	Oliver Schaefer 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 January 6, 2011

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on January 6, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
10	1	Rewritten in U.S. Format
11	2	Rewritten in U.S. Format
12	3	Rewritten in U.S. Format and to eliminate multiple dependencies
13	3	Rewritten in U.S. Format and to eliminate multiple dependencies
14	4	Rewritten in U.S. Format and to eliminate multiple dependencies
15	4	Rewritten in U.S. Format and to eliminate multiple dependencies
16	4	Rewritten in U.S. Format and to eliminate multiple dependencies
17	5	Rewritten in U.S. Format and to eliminate multiple dependencies
18	5	Rewritten in U.S. Format and to eliminate multiple dependencies
19	5	Rewritten in U.S. Format and to eliminate multiple dependencies
20	5	Rewritten in U.S. Format and to eliminate multiple dependencies
21	6	Rewritten in U.S. Format
22	7	Rewritten in U.S. Format
23	8	Rewritten in U.S. Format and to eliminate multiple dependencies
24	9	Rewritten in U.S. Format and to eliminate multiple dependencies

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

Signature /William G. Conger/	Date March 9, 2011
Name (Print/Typed) William G. Conger	Registration Number 31209

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 Wa 10751-S	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/EP2009/052018	International filing date *(day/month/year)* 20 February 2009 (20.02.2009)	Priority date *(day/month/year)* 29 February 2008 (29.02.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant WACKER CHEMIE AG		

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 19 October 2010 (19.10.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Yolaine Cussac e-mail: pt05.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	**See form PCT/ISA/210**
Applicant's or agent's file reference Wa 10751-S	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP2009/052018	20.02.2009	29.02.2008

International Patent Classification (IPC) or both national classification and IPC
C08L83/10 C08G18/61 C08G77/458

Applicant
WACKER CHEMIE AG

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

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

2. **FURTHER ACTION**

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

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

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

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

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

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/052018

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/EP2009/052018

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	1-9	YES
	Claims		NO
Inventive step (IS)	Claims	1-9	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations:

1 Reference is made to the following documents:

D1: DE 697 34 721 T2 (MINNESOTA MINING &; MFG [US]) 20 July 2006 (2006-07-20)

D2: DE 101 37 855 A1 (CONSORTIUM ELEKTROCHEM IND [DE]) 27 February 2003 (2003-02-27) cited in the application

2 Document D2 is considered to be the closest prior art and discloses the organopolysiloxane/polyurea/polyurethane copolymer of formula 1 according to claim 1 of the application (see D2, paragraphs 11-37 and claim 1), from which the subject matter of independent claims 1 and 6 differs in that D1 does not disclose a thermoplastic polymer having an epoxy carboxylic acid, carboxylic acid ester or carboxylic acid anhydride group.

2.1 Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

The presence of this second component solves the

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

task of improving the mechanical properties of the polymer blend (see application on pages 12-14) and is not suggested in the prior art.

2.2 Therefore, the subject matter of independent claims 1 and 6 involves an inventive step (PCT Article 33(3)).

2.3 Claims 2-5 and 7-9 are dependent on claims 1 and 6 and therefore also meet the requirements of the PCT in respect of novelty and inventive step.

3 Document D1 discloses mixtures of block copolymers and acrylate functionalised polymers (see examples 20-22). The block copolymers from D1, however, do not fall under general formula 1 of claim 1 of the application.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/919,407	08/30/2010	Oliver Schaefer	WAS1087PUSA	5893

22045 7590 05/09/2011

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER	
JONES JR., ROBERT STOCKTON	

ART UNIT	PAPER NUMBER
1762	

MAIL DATE	DELIVERY MODE
05/09/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAY -9 2011

WG

In re application of	:	DECISION ON REQUEST TO
Oliver Schaefer et al.	:	PARTICIPATE IN PATENT
Serial No. 12/919,407	:	PROSECUTION HIGHWAY
Filed: August 30, 2010	:	PROGRAM AND
For: POLYMER BLENDS CONTAINING	:	PETITION TO MAKE SPECIAL
POLYDIORGANOSILOXANE UREA	:	UNDER 37 CFR 1.102(a)
COPOLYMERS	:	

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

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/919,407	08/30/2010	Oliver Schaefer	WAS1087PUSA	5893

22045 7590 05/11/2011

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER	
JONES JR., ROBERT STOCKTON	
ART UNIT	PAPER NUMBER
1762	
MAIL DATE	DELIVERY MODE
05/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAY 11 2011

BC

In re application of	:	DECISION ON REQUEST TO
Oliver Schaefer et al.	:	PARTICIPATE IN PATENT
Serial No. 12/919,407	:	PROSECUTION HIGHWAY
Filed: August 25, 2010	:	PROGRAM AND
Attorney Docket No: WAS1087PUSA	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed March 09, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the IPA, JPO, KIPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

30 SEP 2010

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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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

In re Application of SON et al.	:	DECISION ON
Application No.: 12/919,423	:	
PCT No.: PCT/KR08/07730	:	PETITION UNDER
Int. Filing Date: 28 December 2008	:	
Priority Date: 28 December 2007	:	37 CFR 1.137(b)
Attorney Docket No: 3570-132	:	
For: POLYCARBONATE RESIN COMPOSITION WITH EXCELLENT FLAME RETARDANCY	:	

The petition to revive under 37 CFR 1.137(b) filed 25 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), is required along with the surcharge for filing the oath or declaration after the thirty-month period.

/Cynthia M. Kratz/
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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/919,453	08/25/2010	Kosuke Tanabe	J-10-0366	6265

71799 7590 12/02/2010

Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER	
OWENS, DOUGLAS W	
ART UNIT	PAPER NUMBER
2821	

NOTIFICATION DATE	DELIVERY MODE
12/02/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jackson.chen@necam.com
KENSAKU.SATO@NECAM.COM

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING TX 75039

In re Application of
Kosuke TANABE
Application No.: 12/919,453
Filed: 25 August 2010
Attorney Docket No.: J-10-0366
For: ANTENNA DEVICE, FEED CIRCUIT, AND RADIO-WAVE TRANSMISSION/RECEPTION METHOD

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 15 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 not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 19 2011

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United States Patent and Trademark Office
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GE HEALTHCARE, INC.
IP DEPARTMENT 101 CARNEGIE CENTER
PRINCETON NJ 08540-6231

PCT LEGAL ADMINISTRATION

In re Application of
PRIEBE
Application No.: 12/919,493
PCT No.: PCT/EP09/**52445**
Int. Filing Date: **02 March 2009**
Priority Date: **22 April 2008**
Attorney Docket No.: PN0828
For: CONTRAST AGENTS

NOTIFICATION

This is a decision on a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 06 December 2010 to correct the international application number.

On 26 August 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 12/919,493. However, the international application PCT/EP09/**52445** as indicated on the electronic acknowledgement receipt differs from the PCT application number PCT/EP09/**052245** on the transmittal letter and executed declaration.

On 02 December 2010, a notification was sent to applicant indicating the above.

On 06 December 2010, the instant petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/EP09/52245 on the national stage papers filed on 26 August 2010 is **GRANTED**. The $400 petition fee was paid.

The USPTO records will identify the present application **12/919,493** as the national stage of **PCT/EP09/52245.**

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration
Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 10 2011
OFFICE OF PETITIONS

GE HEALTHCARE, INC.
IP DEPARTMENT 101 CARNEGIE CENTER
PRINCETON, NJ 08540-6231

APPLICANT: HANNO PRIEBE
Appl. No.: 12/919,493
International Filing Date: February 26, 2009
Title: CONTRAST AGENTS
Attorney Docket No.: PN0828
Pub. No.: US 2011/0052504 A1
Pub. Date: March 3, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on March 15, 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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ARLINGTON, VA 22203

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JUN 29 2011

PCT LEGAL ADMINISTRATION

In re Application of MIYABAYASHI et al :
U.S. Application No.: 12/919,538 :
PCT Application No.: PCT/EP2008/052466 :
Int. Filing Date: 29 February 2008 :
Priority Date Claimed: none : DECISION
Attorney Docket No.: 2380-1520 :
For: A METHOD OF OPERATING WIRELESS COMMUNICATIONS NETWORK AND BASE STATION FOR USE IN WIRELESS COMMUNICATION NETWORK :

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 28 April 2011.

BACKGROUND

On 29 February 2008, applicant filed international application PCT/EP2008/052466. A copy of the international application was communicated to the USPTO from the International Bureau on 03 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 30 August 2010.

On 26 August 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 September 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 28 April 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 not submitted an acceptable declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor. In particular, the surname of the first inventor does not match that shown in the international application. Furthermore, a declaration executed by inventor Walsh has not been submitted.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The petition states that joint inventor Akiyoshi Miyabayashi cannot be found. However, the petition does not sufficiently demonstrate that a diligent effort was made to locate Miyabayashi. Specifically, although the petition includes evidence of attempts to reach Miyabayashi by electronic mail, by postal mail, and by searching directories, there is no evidence of any attempts to contact Miyabayashi by telephone and by contacting the other inventors. Thus, it would not be reasonable to conclude at the present time that Miyabayashi cannot be found. Furthermore, the fact that one or more of the letters sent to Miyabayashi appear to have been successfully delivered suggests that Miyabayashi's whereabouts can be determined. It is noted that petitioner has not alleged that Miyabayashi refuses to sign. In the event that petitioner makes such an allegation, it must be shown that Miyabayashi actually received a copy of the application papers before it can be concluded that Miyabayashi refuses to sign.

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 home 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

Telephone: 571-272-3303
Facsimile: 571-273-0459

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901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

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NOV 18 2011
PCT LEGAL ADMINISTRATION

In re Application of MIYABAYASHI et al :
U.S. Application No.: 12/919,538 :
PCT Application No.: PCT/EP2008/052466 :
Int. Filing Date: 29 February 2008 :
Priority Date Claimed: none : DECISION
Attorney Docket No.: 2380-1520 :
For: A METHOD OF OPERATING WIRELESS COMMUNICATIONS NETWORK AND BASE STATION FOR USE IN WIRELESS COMMUNICATION NETWORK :

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 17 October 2011.

BACKGROUND

On 29 February 2008, applicant filed international application PCT/EP2008/052466. A copy of the international application was communicated to the USPTO from the International Bureau on 03 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 30 August 2010.

On 26 August 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 September 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 28 April 2011, applicant filed a petition under 37 CFR 1.47(a).

On 29 June 2011, this Office mailed a decision dismissing the 28 April 2011 petition.

On 17 October 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 (3) and (4) above.

With regard to item (1) above, applicant has submitted an acceptable 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,

> 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 petition states that joint inventor Akiyoshi Miyabayashi cannot be found. The petition sufficiently demonstrates that a diligent effort was made to locate Miyabayashi. Specifically, the petition includes evidence of unsuccessful attempts to reach Miyabayashi by electronic mail, by postal mail, by searching directories, and by contacting the other inventors. Thus, it can be concluded with reasonable certainty that Miyabayashi cannot be found.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 29 February 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 October 2011.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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Akiyoshi Miyabayashi
2 The Moorings
Dublin
IRELAND

MAILED

NOV 18 2011

PCT LEGAL ADMINISTRATION

In re Application of MIYABAYASHI et al
U.S. Application No.: 12/919,538
PCT Application No.: PCT/EP2008/052466
Int. Filing Date: 29 February 2008
Priority Date Claimed: none
For: A METHOD OF OPERATING WIRELESS...

Dear Akiyoshi Miyabayashi:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203
Attorney Docket No.: 2380-1520

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LEGAL PATENT RECORDS CENTER
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4417 LANCASTER PIKE
WILMINGTON, DE 19805

MAILED
SEP 23 2011
OFFICE OF PETITIONS

Applicant: Figuly, et al.
Appl. No.: 12/919,558
International Filing Date: March 19, 2009
Title: Dimensionally Stable, Shaped Articles Comprised Of Dried, Aggregated, Water-Swellable Hydrogel Microspheres And Method Of Making Same
Attorney Docket No.: CL3765USPCT
Pub. No.: US 2011/0009520 A1
Pub. Date: January 13, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 17, 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 the name of the third inventor was 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 the name of the third inventor "Barry D. Johnson" 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

[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 determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On October 7, 2010, a Filing Receipt was mailed by the Office, which omitted the third inventor's name. 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 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

10 SEP 2010

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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Mary E. Golota
Cantor Colburn LLP
201 W. Big Beaver Road
Suite 1101
Troy MI 48084

In re Application of :
LUER et al. :
Application No.: 12/919,562 :
PCT No.: PCT/EP2009/001044 : DECISION ON PETITION
Int. Filing Date: 13 February 2009 : UNDER 37 CFR 1.137(b)
Priority Date: 15 February 2008 :
Attorney Docket No.: PAT-01437/BC1-0253 :
For: AQUEOUS COATING COMPOSITION, METHOD FOR PRODUCTION OF THE SAME, AND USE THEREOF :

The petition to revive under 37 CFR 1.137(b) filed 26 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the 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

30 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mary E. Golota
Cantor Colburn LLP
201 W. Big Beaver Road, Suite 1101
Troy MI 48084

In re Application of:
STEINMETZ, Bernhard, et al.
U.S. Application No.: 12/919,564
PCT No.: PCT/EP2009/000982
International Filing Date: 12 February 2009
Priority Date: 12 February 2008
Attorney Docket No.: PAT-01500/BC1-0254
For: AQUEOUS COATING MATERIAL, A METHOD FOR THE PRODUCTION THEREOF AND THE USE THEREOF

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 26 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/JPEP2009/000982 became abandoned with respect to the United States at midnight on 12 August 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 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
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-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:	12/919,922	Filing date:	August 26, 2010
First Named Inventor:	Duncan Roy Clark		
Title of the Invention:	ENZYME		

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/GB2009/000411

The international filing date of the corresponding PCT application(s) is/are: February 13, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
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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.:	12/919,622
First Named Inventor:	Duncan Roy Clark

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on August 26, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on August 26, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	2	Claim 1 was amended 10/05/2010 to incorporate the elements of PCT claim 2.
2	3	Claim 3 was amended on 10/05/2010.
9	9	Claim 9 was amended on 10/05/2010.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date December 6, 2010
Name (Print/Typed) Robert C. Lampe, III	Registration Number 51,914

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number	:	12/919,622	Confirmation No.:	7387
Applicant	:	Duncan Roy CLARK, *et al*		
Filed	:	August 26, 2010		
Title	:	ENZYME		
TC/Art Unit	:	*Unassigned*		
Examiner:	:	*Unassigned*		
Docket No.	:	75909.000004		
Customer No.	:	**21967**		

MAIL STOP AMENDMENT
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY OF CLAIMS 2, 3, 9, 10, AND 16 FROM INTERNATIONAL PATENT APPLICATION NO. PCT/GB2009/000411

Sir,

Attached hereto is a copy of claims 2, 3, 9, 10, and 16 from corresponding International Patent Application No. PCT/GB2009/000411. The copy of these claims is submitted in support of a Request for Participation in the Patent Cooperation Treaty - Patent Prosecution Highway ("PCT-PPH") being filed concurrently in the above-referenced patent application. The written opinion in International Application No. PCT/GB2009/000411 indicated that claims 2, 3, 9, 10, and 16 had novelty, inventive step, and industrial applicability.

2. A polypeptide according to claim 1 which exhibits strand displacement activity.

3. A polypeptide according to either of claim 1 or 2, which is suitable for carrying out an isothermal amplification reaction, such as loop-mediated isothermal amplification (LAMP).

9. A polypeptide having thermostable DNA polymerase activity and comprising amino acid sequence SEQ ID NO: 32.

10. A polypeptide having thermostable DNA polymerase activity and consisting essentially of amino acid sequence SEQ ID NO: 32.

16. The nucleic acid according to claim 15, having a nucleotide sequence shown in SEQ ID NO: 3.

No fees are believed to be required for entry of this supporting statement, but should any fees be deemed necessary by the U.S. Patent and Trademark Office for entry of this paper, please charge such fee to the undersigned's **Deposit Account No. 50-0206**.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: December 6, 2010

By: _____
Robert C. Lampe III
Registration No. 51,914

HUNTON & WILLIAMS LLP
1900 K Street, N.W.
Suite 1200
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number	:	12/919,622	Confirmation No.:	7387
Applicant	:	Duncan Roy CLARK, *et al*		
Filed	:	August 26, 2010		
Title	:	ENZYME		
TC/Art Unit	:	*Unassigned*		
Examiner:	:	*Unassigned*		
Docket No.	:	75909.000004		
Customer No.	:	**21967**		

MAIL STOP AMENDMENT
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER IN SUPPORT OF REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY

Sir,

In support of a Request for Participation in the Patent Cooperation Treaty - Patent Prosecution Highway ("PCT-PPH") being filed concurrently in the above-referenced patent application, Applicants provide the following letter addressing certain observations raised on International Application No. PCT/GB2009/000411. Applicants note that Box No. VIII of the Written Opinion raised certain observations in International Application No. PCT/GB2009/000411, namely that claim 33 of the International Application contained reference to the description and the drawings. According to PCT Rule 6.2(a), claims should not contain such references expect where necessary.

Under the PCT-PPH, Applicants are required to identify and explain why claims 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, in order to be eligible for the PCT-

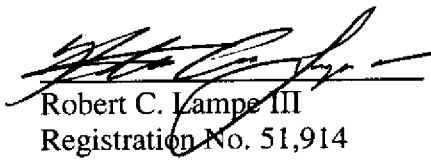
PPH. Applicants note that claim 33 was cancelled by preliminary amendment on October 5, 2010. Accordingly, Applicants submit that the claims are no longer subject to the observation described in Box VIII of the Written Opinion for International Application No. PCT/GB2009/000411, as claim 33 is cancelled.

No fees are believed to be required for entry of this supporting statement, but should any fees be deemed necessary by the U.S. Patent and Trademark Office for entry of this paper, please charge such fee to the undersigned's **Deposit Account No. 50-0206**.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: December 6, 2010

By: 
Robert C. Lampe III
Registration No. 51,914

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Suite 1200
Washington, D.C. 20006-1109
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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.
12/919,622	08/26/2010	Duncan Clark	75909.000004	7387

21967 7590 03/15/2011

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER	
HUTSON, RICHARD G	

ART UNIT	PAPER NUMBER
1652	

MAIL DATE	DELIVERY MODE
03/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HUNTON & WILLIAMS LLP
1900 K Street, N.W.
Suite1200
Washington, DC 20006

MAR 15 2011

In re Application of
CLARK ET AL.
Application No. 12/919,622
Filed: August 26, 2010
Attorney Docket No. :75909.000004

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 Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(d), filed December 6, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH program and petition to make special require:

(1) The U.S. application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national 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 PPH program and petition fails to comply with the requirement because:

Applicant is required to submit a claims correspondence table that indicates 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. The claims correspondence table lists claims 1, 2 and 9. However, claims 1, 3, 5-9, 13-15, 24-27, 30, and 34-40 are pending in the U.S. application.

Claims 15, 24, 25, 34, 35 and 37-40 do not 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. The claims are directed to nucleic acids which were not indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number	:	12/919,622	Confirmation No.:	7387
Applicant	:	Duncan Roy CLARK, *et al*		
Filed	:	August 26, 2010		
Title	:	ENZYME		
TC/Art Unit	:	1652		
Examiner:	:	*Unassigned*		
Docket No.	:	75909.000004		
Customer No.	:	**21967**		

MAIL STOP AMENDMENT
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESUBMISSION OF REQUEST TO PARTICIPATE IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) IN RESPONSE TO PRIOR DENIAL

Sir,

Applicants submitted a Request to Participate in the Patent Cooperation Treaty - Patent Prosecution Highway ("PCT-PPH") on December 6, 2010. Applicants' request was denied on March 15, 2011 and a one month period of time was set to correct deficiencies in Applicants' prior submission.

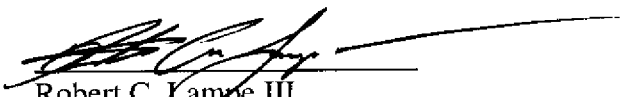
In response, Applicants resubmit the Request to Participate in the Patent Cooperation Treaty - Patent Prosecution Highway ("PCT-PPH") with all papers, including a claims correspondence table indicating how all the pending claims in the instant application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

No fees are believed to be required for entry of this resubmission, but should any fees be deemed necessary by the U.S. Patent and Trademark Office for entry of this paper, please charge such fee to the undersigned's **Deposit Account No. 50-0206**.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: April 15, 2011

By: 
Robert C. Lampe III
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Suite 1200
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number	:	12/919,622	Confirmation No.:	7387
Applicant	:	Duncan Roy CLARK, *et al*		
Filed	:	August 26, 2010		
Title	:	ENZYME		
TC/Art Unit	:	1652		
Examiner:	:	*Unassigned*		
Docket No.	:	75909.000004		
Customer No.	:	**21967**		

MAIL STOP AMENDMENT
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY OF CLAIMS 2, 3, 9, 10, 16 AND 18 FROM INTERNATIONAL PATENT APPLICATION NO. PCT/GB2009/000411

Sir,

Provided below is a copy of claims 2, 3, 9, 10, 16 and 18 from corresponding International Patent Application No. PCT/GB2009/000411. The copy of these claims is submitted in support of a Request for Participation in the Patent Cooperation Treaty - Patent Prosecution Highway ("PCT-PPH") being filed concurrently in the above-referenced patent application. The written opinion in International Application No. PCT/GB2009/000411 indicated that claims 2, 3, 9, 10, 16 and 18 had novelty, inventive step, and industrial applicability.

2. A polypeptide according to claim 1 which exhibits strand displacement activity.

3. A polypeptide according to either of claim 1 or 2, which is suitable for carrying out an isothermal amplification reaction, such as loop-mediated isothermal amplification (LAMP).

9. A polypeptide having thermostable DNA polymerase activity and comprising amino acid sequence SEQ ID NO: 32.

10. A polypeptide having thermostable DNA polymerase activity and consisting essentially of amino acid sequence SEQ ID NO: 32.

16. The nucleic acid according to claim 15, having a nucleotide sequence shown in SEQ ID NO: 3.

18. The nucleic acid according to claim 17, having a nucleotide sequence shown in SEQ ID NO: 33.

No fees are believed to be required for entry of this supporting statement, but should any fees be deemed necessary by the U.S. Patent and Trademark Office for entry of this paper, please charge such fee to the undersigned's **Deposit Account No. 50-0206**.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: April 15, 2011

By: _____
Robert C. Lampe III
Registration No. 51,914

HUNTON & WILLIAMS LLP
1900 K Street, N.W.
Suite 1200
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number	:	12/919,622	Confirmation No.:	7387
Applicant	:	Duncan Roy CLARK, *et al*		
Filed	:	August 26, 2010		
Title	:	ENZYME		
TC/Art Unit	:	1652		
Examiner:	:	*Unassigned*		
Docket No.	:	75909.000004		
Customer No.	:	**21967**		

MAIL STOP AMENDMENT
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER IN SUPPORT OF REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY

Sir,

In support of a Request for Participation in the Patent Cooperation Treaty - Patent Prosecution Highway ("PCT-PPH") being filed concurrently in the above-referenced patent application, Applicants provide the following letter addressing certain observations raised on International Application No. PCT/GB2009/000411. Applicants note that Box No. VIII of the Written Opinion raised certain observations in International Application No. PCT/GB2009/000411, namely that claim 33 of the International Application contained reference to the description and the drawings. According to PCT Rule 6.2(a), claims should not contain such references expect where necessary.

Under the PCT-PPH, Applicants are required to identify and explain why claims 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, in order to be eligible for the PCT-

PPH. Applicants note that claim 33 was cancelled by preliminary amendment on October 5, 2010. Accordingly, Applicants submit that the claims are no longer subject to the observation described in Box VIII of the Written Opinion for International Application No. PCT/GB2009/000411, as claim 33 is cancelled.

No fees are believed to be required for entry of this supporting statement, but should any fees be deemed necessary by the U.S. Patent and Trademark Office for entry of this paper, please charge such fee to the undersigned's **Deposit Account No. 50-0206**.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: April 15, 2011

By: _____
Robert C. Lampe III
Registration No. 51,914

HUNTON & WILLIAMS LLP
1900 K Street, N.W.
Suite 1200
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
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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:	12/919,622	Filing date:	August 26, 2010
First Named Inventor:	Duncan Roy Clark		
Title of the Invention:	ENZYME		

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/GB2009/000411

The international filing date of the corresponding PCT application(s) is/are: February 13, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/919,622
First Named Inventor:	Duncan Roy Clark

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on August 26, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

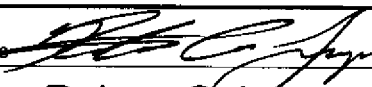
☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on August 26, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	2	Claim 1 was amended 10/5/2010 to incorporate the elements of PCT claim 2.
3	2	Claim 3 depends from claim 1 and incorporates the elements of this claim.
5	2	Claim 5 depends from claim 1 and incorporates the elements of this claim.
6	2	Claim 6 depends from claim 1 and incorporates the elements of this claim.
7	2	Claim 7 ultimately depends from claim 1 and incorporates the elements of this claim.
8	2	Claim 8 ultimately depends from claim 1 and incorporates the elements of this claim.
9	2	Claim 9 depends from claim 1 and incorporates the elements of this claim.
13	2	Claim 13 depends from claim 1 and incorporates the elements of this claim.
14	2	Claim 14 depends from claim 1 and incorporates the elements of this claim.
15	16, 18	Claim 15 incorporates the elements of PCT claims 16 and 18.
24	16, 18	Claim 24 depends from claim 15 and incorporates the elements of these claims.
25	16, 18	Claim 25 depends from claim 15 and incorporates the elements of these claims.
26	2	Claim 26 depends from claim 1 and incorporates the elements of this claim.
27	2	Claim 27 depends from claim 1 and incorporates the elements of this claim.
30	2	Claim 30 depends from claim 1 and incorporates the elements of this claim.
35	16, 18	Claim 35 ultimately depends from claim 15 and incorporates the elements of these claims.
36	2	Claim 36 ultimately depends from claim 1 and incorporates the elements of these claims.
37	16, 18	Claim 37 depends from claim 15 and incorporates the elements of these claims.
38	16, 18	Claim 38 ultimately depends from claim 15 and incorporates the elements of these claims.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date April 15, 2011
Name (Print/Typed) Robert C. Lampe, III	Registration Number 51,914

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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/919,622
First Named Inventor:	Duncan Roy Clark

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
39	16, 18	Claim 39 ultimately depends from claim 15 and incorporates the elements of these claims.
40	16, 18	Claim 40 ultimately depends from claim 15 and incorporates the elements of these claims.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date
Name (Print/Typed)	Registration Number

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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BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO IL 60606

MAILED

JAN 13 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
Nys et al.	:	
Application No.: 12/919,696	:	DECISION
PCT No.: PCT/BE2009/000011	:	
Int. Filing Date: 26 February 2009	:	ON
Priority Date: 26 February 2008	:	
Attorney Docket No.: 007753.00002	:	PETITION
For: Layered Construction With Tube System	:	

The petition to revive under 37 CFR 1.137(b) filed on 15 November 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/919,698	09/14/2010	Ryoko Kurihara	F10409	7877

28107 7590 01/25/2011

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

EXAMINER	
ART UNIT	PAPER NUMBER
3761	

MAIL DATE	DELIVERY MODE
01/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

In re Application of:
KURIHARA, RYOKO
Serial No.: 12/919,698
Filed: Sep. 14, 2010
Docket: F10409
Title: ABSORPTIVE ARTICLE

:: 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 Jan. 24, 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 Tatyana Zalukaeva, SPE of Art Unit 3761, and 571-272-1115 for Class 604/385 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

MEDLEN & CARROLL, LLP
101 HOWARD STREET
SUITE 350
SAN FRANCISCO, CA 94105

MAILED
OCT 19 2010
PCT LEGAL ADMINISTRATION

In re Application of DAVID et al :
U.S. Application No.: 12/919,708 :
PCT Application No.: PCT/US2009/000412 : DECISION
Int. Filing Date: 22 January 2009 :
Priority Date Claimed: 28 January 2008 :
Attorney Docket No.: UCSD-16915 :
For: METHODS FOR TREATING :
HEMATOPOIETIC MALIGNANCIES

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 26 August 2010.

BACKGROUND

On 22 January 2009, applicant filed international application PCT/US2009/000412, which claimed priority of an earlier United States application filed 28 January 2008. The thirty-month period for paying the basic national fee in the United States expired on 28 July 2010.

On 29 July 2010, international application PCT/US2009/000412 became abandoned as to the United States for failure to timely pay the basic national fee.

On 26 August 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

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
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PCT Legal Office

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BRINKS HOFER GILSON & LIONE/ANN ARBOR
524 SOUTH MAIN STREET
SUITE 200
ANN ARBOR, MI 48104

MAILED
OCT 19 2010
PCT LEGAL ADMINISTRATION

In re Application of ITO et al
U.S. Application No.: 12/919,718
PCT Application No.: PCT/JP2009/051622
Int. Filing Date: 30 January 2009
Priority Date Claimed: 30 January 2008
Attorney Docket No.: 14056-42
For: NOVEL DIURETHANE COMPOUND, PROCESS FOR PRODUCING THE SAME, AND ACRYLIC RUBBER COMPOSITION CONTAINING THE SAME

DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 26 August 2010.

BACKGROUND

On 30 January 2009, applicant filed international application PCT/JP2009/051622, which claimed priority of an earlier Japan application filed 30 January 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 06 August 2009. The thirty-month period for paying the basic national fee in the United States expired on 30 July 2010.

On 31 July 2010, international application PCT/JP2009/051622 became abandoned as to the United States for failure to timely pay the basic national fee.

On 26 August 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 30 January 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 26 August 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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APR 15 2011

PCT LEGAL ADMINISTRATION

Traskbritt, P.C. / Baker Hughes, Inc.
Baker Hughes, Inc.
P.O. Box 2550
Salt Lake City UT 84110

In re Application of :
SMITH, Redd, H., et al. :
Application No.: 12/919,720 : DECISION
PCT No.: PCT/US2009/046092 :
Int. Filing Date: 03 June 2009 : ON REQUEST UNDER
Priority Date: 04 June 2008 :
Att. Docket No.: 8350.1US (ECC4-45382-USC1: 37 CFR 1.497(d)
For: METHODS OF ATTACHING ... :
BY SUCH METHODS :

This decision is in response to request under 37 CFR 1.48(a), filed in the United States Patent and Trademark Office on 11 February 2011. The request has been treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 07 December 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 11 February 2011, applicants filed a declaration of the inventors, the surcharge, a request under 37 CFR 1.497(d) and the fee for a one month extension of time.

DISCUSSION

Applicants file this request to add Anupam K. Singh, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been satisfied.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

MAILED
APR 01 2011
PCT LEGAL ADMINISTRATION

In re Application of RYOU et al :
U.S. Application No.: 12/919,728 :
PCT Application No.: PCT/KR2009/000520 :
Int. Filing Date: 03 February 2009 : DECISION
Priority Date Claimed: 20 February 2008 :
Attorney Docket No.: 8341P032 :
For: METAMATERIAL ANTENNA USING A :
MAGNETO-DIELECTRIC MATERIAL :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 26 August 2010.

BACKGROUND

On 03 February 2009, applicant filed international application PCT/KR2009/000520, which claimed priority of an earlier Korea application filed 20 February 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 27 August 2009. The thirty-month period for paying the basic national fee in the United States expired on 20 August 2010.

On 21 August 2010, international application PCT/KR2009/000520 became abandoned as to the United States for failure to timely pay the basic national fee.

On 26 August 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 03 February 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 March 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
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MAILED

MAR 25 2011

PCT LEGAL ADMINISTRATION

Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York NY 10018

In re Application of :
HOLLINGS, Tony, et al. :
Application No.: 12/919,730 :
PCT No.: PCT/EP2009/052367 : DECISION
Int. Filing Date: 27 February 2009 :
Priority Date: 27 February 2008 :
Attorney Docket No.: 6003.1229 :
For: A METHOD OF ... A PRINTING PRESS :

This is a decision on applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 19 January 2011.

BACKGROUND

On 26 August 2010, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The papers identified the filing as a national phase entry of both PCT/EP2009/052367 and PCT/DE2009/052367, while electronic data identified the filing as a national phase entry of PCT/EP2009/052368.

On 19 November 2010, the Office mailed Notification informing applicants that their national phase entry papers and data listed conflicting international application numbers and that a petition under 37 CFR 1.182 was required to correct the error.

On 19 January 2011, applicants filed this petition under 37 CFR 1.182.

DISCUSSION

A national stage application is the national stage of only a single international application. To enter the national phase in the United States, applicant is required to state the international application number.

Applicant has explained that the paperwork was intended as a national stage entry of PCT/EP2009/052367. The indications will be corrected in the file and the file will be processed as a national stage entry of PCT/EP2009/052367. The $400 petition fee will be charged to deposit account no. 50-0552, as authorized.

As to applicants' petition for refund, the facts in this case do not support a refund. This application was referred to the Office of PCT Legal Administration for review because applicants listed three different international application numbers. Two of the applications are

highly similar. An attorney had to review the entire file and prepare a communication to applicant regarding the discrepancy. Both the review and the communication put the Office to additional time and expense.

CONCLUSION

For the reasons listed above, the Petition Under 37 CFR 1.182 is **GRANTED** and the petition for refund is **DISMISSED** without prejudice.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Division of the Office of Patent Application Processing for continued processing consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
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PCT Legal Administration

Telephone: 571-272-3292

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John A. Miller
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42690 Woodward Avenue
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Bloomfield Hills MI 48304

MAILED

OCT 20 2010

PCT LEGAL ADMINISTRATION

In re Application of:
VOIGTLAENDER et al.
U.S. Application No.: 12/919,742
PCT Application No.: PCT/EP2009/052538
International Filing Date: 04 March 2009
Priority Date: 06 March 2008
Attorney's Docket No.: MUHL-00004(9A-112 113)
For: DEVICE HAVING AN RFID TRANSPONDER IN AN ELECTRICALLY CONDUCTIVE OBJECT AND METHOD FOR PRODUCING SAID DEVICE

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Petition under 37 CFR 1.182 to Correct International Application Number" filed 13 October 2010. The petition seeks to correct the bibliographic data for the national stage application papers filed 26 August 2010, so as to allow such materials to be treated as the U.S. national stage of PCT/EP2009/052538.

BACKGROUND

On 26 August 2010, applicant filed electronically a U.S. national stage application in the United States Designated/Elected Office (DO/EO/US). The submission included, inter alia, a Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371 (Form 1390) identifying international application number PCT/EP2009/052538; a preliminary amendment; and an application data sheet.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2009/052538, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

On 13 October 2010, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/EP2009/052538. An examination of the originally filed papers finds that the correct international application number was listed on the Transmittal Letter and Application Data Sheet filed 26 August 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 26 August 2010 and to permit such materials to be treated as having been directed to international application PCT/EP2009/052538.

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/EP2009/052538.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
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ARLINGTON, VA 22203

MAILED

MAR 08 2011

PCT LEGAL ADMINISTRATION

In re Application of LAAN, VAN DER et al :
U.S. Application No.: 12/919,768 :
PCT Application No.: PCT/EP2009/052299 :
Int. Filing Date: 26 February 2009 : DECISION
Priority Date Claimed: 29 February 2008 :
Attorney Docket No.: BHD-4662-1642 :
For: LIPASES WITH HIGH SPECIFICITY :
TOWARDS SHORT CHAIN FATTY ACIDS :
AND USES THEREOF :

This is in response to applicant's correspondence filed 13 December 2010, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 26 February 2009, applicant filed international application PCT/EP2009/052299, which claimed priority of an earlier European Patent Office application filed 29 February 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 03 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 29 August 2010.

On 27 August 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 October 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 13 December 2010, applicant filed the present request for status under 37 CFR 1.42 along with executed declarations.

DISCUSSION

The declaration filed on 13 December 2010 indicates that joint inventor Albertus Alard Van Dijk is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 13 December 2010 fails to state the citizenship and residence of the legal representative. The declaration states that the citizenship and residence indicated in the signature block for Albertus Alard Van Dijk applies to the deceased inventor. The citizenship and residence of the legal representative must be separately indicated. Accordingly, applicant must submit a declaration executed by the legal representative which is in full compliance with 37 CFR 1.497(b)(2). Newly executed declarations from the living inventors are not required.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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MAILED
JUL 12 2011
PCT LEGAL ADMINISTRATION

In re Application of LAAN, VAN DER et al :
U.S. Application No.: 12/919,768 :
PCT Application No.: PCT/EP2009/052299 :
Int. Filing Date: 26 February 2009 : DECISION
Priority Date Claimed: 29 February 2008 :
Attorney Docket No.: BHD-4662-1642 :
For: LIPASES WITH HIGH SPECIFICITY :
TOWARDS SHORT CHAIN FATTY ACIDS :
AND USES THEREOF :

This is in response to applicant's renewed request for status under 37 CFR 1.42 filed 09 May 2011.

BACKGROUND

On 26 February 2009, applicant filed international application PCT/EP2009/052299, which claimed priority of an earlier European Patent Office application filed 29 February 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 03 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 29 August 2010.

On 27 August 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 October 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 13 December 2010, applicant filed a request for status under 37 CFR 1.42 along with executed declarations.

On 08 March 2011, this Office mailed a decision dismissing the 13 December 2010 request.

On 09 May 2011, applicant filed the instant renewed request for status under 37 CFR 1.42.

DISCUSSION

The declaration indicates that joint inventor Albertus Alard Van Dijk is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 09 May 2011 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 26 February 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 09 May 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
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OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, L.L.P.
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MAILED
JAN 18 2012
OFFICE OF PETITIONS

In re Application of
Michio Yoshida et al.
Application No.: 12/919,788
Filed: August 27, 2010
Attorney Docket No.: 36574US26PCT
For: Belt Assembling Apparatus and Method, and Belt Manufacturing Method

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 21, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;

3. Applicant must
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-4) and (6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (5).

Regarding the requirement of condition (5), applicant has failed to submit a statement that the English translation of the JPO office action is accurate.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

David Bucci
Petitions Examiner
Office of Petitions

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FEB 27 2012

OFFICE OF PETITIONS

OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of
Michio Yoshida et al.
Application No.: 12/919,788
Filed: August 27, 2010
Attorney Docket No.: 36574US26PCT
For: Belt Assembling Apparatus and Method, and Belt Manufacturing Method

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 26, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

David Bucci FOR
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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NOV 01 2011

OFFICE OF PETITIONS

PRICE HENEVELD LLP
695 KENMOOR SE
P.O. BOX 2567
GRAND RAPIDS MI 49501

Applicant: Allen Pratt
Appl. No.: 12/919,856
International Filing Date: February 24, 2009
Title: CEMENTITIOUS COMPOSITIONS CONTAINING FELDSPAR AND POZZOLANIC PARTICULATE MATERIAL, AND METHOD OF MAKING SAID COMPOSITION
Attorney Docket: SHA016 P307
Pub. No.: US 20110048286 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 May 2, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error wherein the claims presented in the preliminary amendment filed with the application on August 27, 2010 was not included in the publication.

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the claims 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 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 in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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JUN 15 2011

PCT LEGAL ADMINISTRATION

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of:
SMITH, Stephen, Jonathan, et al.
U.S. Application No.: 12/919,874
PCT No.: PCT/GB2009/000423
International Filing Date: 18 February 2009
Priority Date: 12 March 2008
Attorney's Docket No.: 146749
For: A VIBRATION TEST ARRANGEMENT

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' petition under 37 CFR 1.47(a) filed 22 April 2011. Applicants have paid the required petition fee.

BACKGROUND

On 18 February 2009, applicants filed international application PCT/GB2009/000423. The international application claimed a priority date of 12 March 2008, and it designated the United States. On 17 September 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., 12 September 2010.

On 27 August 2010, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 24 September 2010, the United States Elected/Designated Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of a properly executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 22 April 2011, applicants filed a response to the Notification Of Missing Requirements (with required five-month extension fee). The response included payment of the required surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition requests acceptance of the application without the signature of co-inventor Philip D. BLAVINS, whom applicants assert has refused to execute the declaration.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by two of the three inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor, Philip D. BLAVINS. 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) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a statement from Caroline Aversa, with accompanying exhibits. The statement provides firsthand evidence that, on multiple occasions, a signature request accompanied by a copy of the declaration and assignment were mailed to the last known address of the non-signing inventor. The statement also provides evidence of Ms. Aversa's internet searches aimed at confirming that the address being used for the inventor is a current address. However, the materials do not provide an acceptable showing that inventor was provided with a signature request accompanied by a copy of the complete application, as required before it can be concluded that the inventor has refused to execute the present application (the petition refers only to the declaration and assignment being mailed to the inventor, not a copy of the complete application). The petition also fails to include confirmation of the inventor's receipt of the signature requests (i.e., a signed delivery receipt). Confirmation of receipt is especially

important where, as here, petitioner is requesting the Office to interpret the inventor's failure to reply to a signature request as a refusal to sign the application.

Before it can be concluded that the inventor has refused to execute the application, applicants must provide adequate supplemental materials, including a firsthand statement (with documentary support) confirming that a request for signature, accompanied by a copy of the complete application, has been delivered to the non-signing inventor and that the inventor has refused to provide the requested signature in response to such request. Until such materials are provided, item (4) of a grantable petition under 37 CFR 1.47(a) is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of 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
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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DEC 13 2011

PCT LEGAL ADMINISTRATION

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of:
SMITH, Stephen, Jonathan, et al.
U.S. Application No.: 12/919,874
PCT No.: PCT/GB2009/000423
International Filing Date: 18 February 2009
Priority Date: 12 March 2008
Attorney's Docket No.: 146749
For: A VIBRATION TEST ARRANGEMENT

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition Under 37 C.F.R. §1.47(a)" filed on 15 November 2011. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 15 June 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 an acceptable showing that the non-signing inventor had refused to execute the application or cannot be located after diligent effort.

On 15 November 2011, applicants filed the renewed petition considered herein (with required three-month extension fee).

DISCUSSION

The renewed petition was accompanied by a supplemental statement from Caroline Aversa, with supporting documents, providing firsthand confirmation that a signature request accompanied by a copy of the complete application was delivered to the non-signing inventor, that the inventor orally confirmed receipt of the correspondence and the copy of the application included therewith (although the inventor indicated that a copy of the declaration was not received with such correspondence), that another signature request, accompanied by the declaration, was again delivered to the inventor's last known address, and that the inventor has failed to provide the signed declaration in response to such request. These materials, in combination with those included with the original petition, provide an acceptable showing that the non-signing inventor has refused to execute the application.

In view of the above, applicants have now satisfied the final 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-inventor Philip D. BLAVINS.

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 inventor's last-known address, 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 22 April 2011.

/RichardMRoss/

Richard M. Ross
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DEC 13 2011

PCT LEGAL ADMINISTRATION

Philip D. BLAVINS
16 Chestnut Avenue
Belper, Derby DE56 ILY
UNITED KINGDOM

In re Application of: SMITH, Stephen, Jonathan, et al.
U.S. Application No.: 12/919,874
PCT No.: PCT/GB2009/000423
International Filing Date: 18 February 2009
Priority Date: 12 March 2008
Attorney's Docket No.: 146749
For: A VIBRATION TEST ARRANGEMENT

Dear Mr. BLAVINS:

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:
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

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OCT 29 2010

PCT LEGAL ADMINISTRATION

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES IA 50309-2721

In re Application of :
STUPNIK et al. :
U.S. Application No. 12/919,892 (12/919,933) :
PCT No.: PCT/EP09/52359 :
Int. Filing Date: 27 February 2009 : DECISION
Priority Date: 27 February 2008 :
Attorney Docket No.: P09726US00 :
For: DEVICE FOR FASTENING THE HOUSING OF A REFRIGERANT COMPRESSOR :

The above-identified application is before the Office of PCT Legal Administration for consideration of matters under 35 U.S.C. 371.

BACKGROUND

On 27 February 2009, applicant filed international application No. PCT/EP09/52359, which claimed a priority date of 27 February 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, or 27August 2010.

On 27 August 2010, applicant electronically filed, through the law firm of McKee, Voorhees & Sease, a transmittal letter for entry into the national stage in the United States (Form PTO-1390). The transmittal referenced attorney docket number P09726US00 and was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). The submission, identifying International Application No. PCT/EP09/52359, was assigned U.S. application number 12/919,892.

On the same day, through the same law firm, applicant electronically filed a second transmittal letter for entry into the national stage in the United States bearing attorney docket number P09726US01and referencing the same international application PCT/EP09/52359. These papers were assigned U.S. application number 12/919,933.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage have been submitted for international application number PCT/EP09/52359 (United States application numbers 12/919,892 and 12/919,933). he end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

The documents filed by above-named counsel and assigned application number 12/919,892 were the first of the two filings to be processed by the USPTO, with such U.S. application file being associated with the international application in the USPTO's PALM system. Accordingly, U.S. application number 12/919,892 is the application file that will continue to be processed as the national stage of PCT/EP09/52359. The second set of national stage materials filed on 27 August 2010 and originally assigned U.S. application number 12/919,933 will be placed in the present application file, and U.S. application number 12/919,933 will be discontinued.

Applicants should use application number **12/919,892** in all future communications with the United States Patent and Trademark Office (USPTO).

Application number 12/919,933 will be discontinued.

CONCLUSION

U.S. application number 12/919,892 is the national stage of PCT/EP09/52359.

Application number 12/919,933 will be discontinued. These papers will be moved to application **12/919,892**.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney-Advisor
PCT Legal Office
Office of PCT Legal Administration
Tel.: 571-272-3286
Facsimile: 571-273-0459

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ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

MAILED

FEB 08 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SHIBUTA, et al. :
Application No.: 12/919,917 :
PCT No.: PCT/JP2009/054234 : DECISION ON PETITION
Int. Filing Date: 27 February 2009 :
Priority Date: 29 February 2008 : UNDER 37 CFR 1.42
Attorney Docket No.: 600630-163US :
For: MANUFACTURING METHOD FOR A :
LAMINATED BODY :

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The combined declaration and declaration filed 06 December 2010 is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 27 February 2009, applicant filed international application PCT/JP2009/054234 which claimed priority to a previous application filed 29 February 2008. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 03 September 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 29 August 2010.

On 27 August 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other items, payment of the requisite basic national fee.

On 12 October 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an 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 06 December 2010, applicant filed the present response.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

> "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

An examination of the filed declaration and power of attorney finds that the document lists the address, residence and citizenship for both the deceased joint inventor Taiichi Sakaya and the legal representative to his estate, Naoko Sakaya. Specifically, the legal representative has signed a concurrently filed declaration which confirms that the address, residence and citizenship information which appears on the declaration applies to both the deceased inventor and herself. As such, the declaration is in compliance with 37 CFR 1.497(a)-(b).

In light of the above, it is proper to grant applicant's request at this time.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 27 February 2009 and a date of **06 December 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

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JUN 16 2011

PCT LEGAL ADMINISTRATION

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of :
KUROSAWA, Takao :
Application No.: 12/919,940 : DECISION
PCT No.: PCT/JP2009/053771 :
Int. Filing Date: 27 February 2009 : ON PETITION UNDER
Priority Date: 29 February 2008 :
Docket No.: 146765 : 37 CFR 1.181
For: BLOW MOLDED CONTAINER AND :
PROCESS FOR MOLDING THE SAME :

Applicant's Petition Under 37 CFR 1.181 for a corrected Notification of Acceptance, filed in the above-captioned application on 19 October 2010 is **GRANTED**.

The 4.17 declaration supplied during the international phase complies with 37 CFR 1.497(a)-(b). As such, the declaration furnished on 27 September 2010 was not required. All 35 USC 371 requirements were present on 27 August 2010.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 13 October 2010 indicating all 35 USC 371 requirements date of 27 September 2010 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application processing for further action consistent with this decision, including mailing of a corrected Notification of Acceptance and filing receipt reflecting 35 USC 371 completion dates of 27 August 2010.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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30827
MCKENNA LONG & ALDRIDGE LLP
1900 K Street, NW
Washington, DC 20006

MAILED

OCT 28 2010

PCT LEGAL ADMINISTRATION

In re Application of
PARK *et al*
Application No.: 12/919,954
PCT No.: PCT/KR2009/000978
Int. Filing Date: 27 February 2009
Priority Date: 29 February 2008
Attorney's Docket No.: 8737.407.00
For: METHOD OF TRANSMITTING ACK/NACK SIGNAL IN WIRELESS COMMUNICATION SYSTEM

DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 27 August 2010, applicants filed papers electronically with the USPTO EFS-Web system to enter the national stage of PCT/KR2009/000978 at 15:12:31 using attorney docket number 8737.407.00. No fees were paid with this submission. This application was given U.S. application number 12/919,925.

A second set of national stage papers for PCT/KR2009/000978 was filed at 15:40:43 on the same day using the same attorney docket number. The second filing was denoted as U.S. application number 12/919,954. Fees totaling $1,250.00 were provided in the second application.

On 27 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and filing receipt for U.S. Application No. 12/919,954.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application of PCT/KR2009/000978. The end result for an international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in

the singular only; thus, only one national stage application may develop from an international application. Both filings indicate that each filing is a "U.S. National Stage under 35 USC 371" of PCT/KR2009/000978. No conflicting instructions appear in any of the application papers.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/KR2009/000978 and denoted as U.S. application No. **12/919,954**.

Applicants must use only U.S. application No. **12/919,954** for all correspondence to the national stage application of PCT/KR2009/000978.

Applicants are advised that U.S. application No. 12/919,925 is no longer a valid U.S. National stage application.

This application is being forwarded to the DO/EO/US for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

- 1 OCT 2010

United States Patent and Trademark Office

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REED SMITH LLP
2500 ONE LIBERTY PLACE
1650 MARKET STREET
PHILADELPHIA PA 19103

In re Application of	:	
Meinders et al.	:	
Application No.: 12/919,966	:	
PCT No.: PCT/NL2009/050088	:	
Int. Filing Date: 27 February 2009	:	DECISION
Priority Date: 27 February 2008	:	
Attorney Docket No.: 10-40177-US	:	
For: A System For Patterning Flexible Foils	:	

This is in response to the papers filed on 27 August 2010.

BACKGROUND

International application PCT/NL2009/050088 was filed on 27 February 2009, claimed an earlier priority date of 27 February 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 27 August 2010. Applicants filed *inter alia* a basic national fee in 12/919,966 on 27 August 2010.

DISCUSSION

Review of the instant application file reveals that the Transmittal Letter (Form PTO-1390) filed on 27 August 2010 was directed toward the national stage under 35 U.S.C. 371 of "PCT/NL2009/050088," while the Electronic Acknowledgment Receipt dated 27 August 2010 shows that applicants indicated "PCT/US09/50088" was the subject of the submission. The Application Data sheet also refers to PCT/NL2009/050088. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

DECISION

The papers filed on 27 August 2010 are **NOT ACCEPTED** under 35 U.S.C. 371, without prejudice, as described above.

A proper response (as described herein) 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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JAN 13 2011

PCT LEGAL ADMINISTRATION

REED SMITH LLP
2500 ONE LIBERTY PLACE
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PHILADELPHIA PA 19103

In re Application of :
Meinders et al. :
Application No.: 12/919,966 :
PCT No.: PCT/NL2009/050088 :
Int. Filing Date: 27 February 2009 : DECISION
Priority Date: 27 February 2008 :
Attorney Docket No.: 10-40177-US :
For: A System For Patterning Flexible Foils :

This is in response to the petition under 37 CFR 1.182 filed on 16 November 2010.

DISCUSSION

In a Decision mailed on 01 October 2010, applicants were advised that

> Review of the instant application file reveals that the Transmittal Letter (Form PTO-1390) filed on 27 August 2010 was directed toward the national stage under 35 U.S.C. 371 of "PCT/NL2009/050088," while the Electronic Acknowledgment Receipt dated 27 August 2010 shows that applicants indicated "PCT/US09/50088" was the subject of the submission. The Application Data sheet also refers to PCT/NL2009/050088. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

In response, petitioner indicates that "it is clear that this application is the entry into the National Phase for PCT/NL2009/050088, and that the single reference to PCT/US2009/050088 in the Electronic Filing Form was a typographic error..." Based on the totality of the evidence now of record, it would be appropriate to accept petitioner's statements as to the identity of the international application which is entering the national stage under 35 U.S.C. 371.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for processing as the national stage under 35 U.S.C. 371 of PCT/NL2009/050088.

/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

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NOV 08 2010

PCT LEGAL ADMINISTRATION

BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304

In re Application of :
GUTTY, Francois, et al. :
Application No.: 12/919,980 :
PCT No.: PCT/EP2009/051566 : DECISION
Int. Filing Date: 11 February 2009 :
Priority Date: 15 February 2008 : ON PETITION UNDER
Docket No.: 95781.5200 :
For: METHOD FOR POSITIONING THE : 37 CFR 1.137(b)
MIRRORS OF A TRIPLE AXIS LASER :
GYROMETER, IN PARTICULAR :
WHEN STARTING THE GYROMETER :

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 27 August 2010 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The fee for filing the search fee, examination fee or oath or declaration after 30 months will be charged to deposit account no. 50-2036, as authorized.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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FEB 09 2012

OFFICE OF PETITIONS

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

In re Application of
Tetusji Iguchi et al.
Application No.: 12/919,984
Filed: August 27, 2010
Attorney Docket No.: 699446US26PCT
For: Belt Assembling Apparatus, Belt Assembling Method...

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the 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 request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or to the undersigned at (571) 272-7099.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

David Bucei
Petitions Examiner
Office of Petitions

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FEB 08 2011

PCT LEGAL ADMINISTRATION

Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington DC 20006

In re Application of	:
VELEV et al.	:
Application No.: 12/919,993	: DECISION ON RESPONSE
PCT No.: PCT/EP09/01466	:
Int. Filing: 02 March 2009	:
Priority Date: 03 March 2008	:
Attorney Docket No.: 007725-10111	:
For: INFORMATION EXCHANGE BETWEEN GATE-WAYS FOR ROUTE OPTIMIZATION WITH NETWORK-BASED MOBILITY MANAGEMENT	:

This application is before the PCT Legal Office for consideration of applicant's Response of Notification of Missing Requirements filed on 01 November 2010 in the United States Patent and Trademark Office (USPTO) in the above-captioned application requesting correction of the second inventor's name. This is also in response to applicant's submission on 21 September 2010.

On 28 September 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required. Specifically, applicant was asked to clarify the name of the third inventor as it was different than that listed on the international application.

On 01 November 2010, applicant filed a response to the 905 along with a request to correct the inventor name. Applicant explains the error in the inventor's name in the declaration is typographical. Applicant indicates that the correct inventor's name is **Jun Hirano**.

Applicants' explanation of the difference in inventor **Jun Hirano**'s name is accepted and noted for the record. The Request to correct the typographical error in inventor's name is **GRANTED**. No petition fee is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-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:	12/920,001	Filing date:	August 27, 2010
First Named Inventor:	Philippe LETOCART		
Title of the Invention:	CONTROL DEVICE FOR AT LEAST ONE ELECTROCHROMIC WINDOW, CONTROL SYSTEM FOR...		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/002095

The international date of the corresponding PCT application(s) is/are: March 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.

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/920,001
First Named Inventor:	Philippe LETOCART

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on August 27, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on August 27, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
5	5	US-5 independent; minor linguistic differences from PCT-5
6	6	US-6 independent; minor linguistic differences from PCT-6
19	19	US-19 independent; single dependency; minor linguistic differences from PCT-19

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Alessandro Steinfl US Reg. No. 56,448/	Date January 31, 2011
Name (Print/Typed) Alessandro Steinfl	Registration Number 56448

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.
12/920,001	10/27/2010	Philippe Letocart	P645-US	9716

72932 7590 03/08/2011

Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena, CA 91101

EXAMINER	
ART UNIT	PAPER NUMBER
2873	

MAIL DATE	DELIVERY MODE
03/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena CA 91101

In re Application of
Philippe LETOCART
Application No.: 12/920,001
Filed: 27 October 2010
Attorney Docket No.: P645-US
For: CONTROL DEVICE FOR AT LEAST ONE ELECTROCHROMIC WINDOW...

: 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 31 January 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, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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EXXONMOBIL UPSTREAM RESEARCH COMPANY
P.O. BOX 2189
(CORP-URC-SW 359)
HOUSTON, TX 77252-2189

MAILED

NOV 03 2011

OFFICE OF PETITIONS

Applicant: IMHOF, et al.
Appl. No.: 12/920,013
International Filing Date: April 24, 2009
Title: SEISMIC HORIZON SKELETONIZATION
Attorney Docket No.: 2008EM144
Pub. No.: US 2011/0048731 A1
Pub. Date: March 3, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on March 31, 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 publication wherein a joint inventor's first and last names were transposed.

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 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 spelling of the inventor's name was shown as "Dimitrov Pavel" instead of "Pavel Dimitrov" may be Office error, but is not a material error under 37 CFR 1.221(b). The typographical error of the inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicant 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

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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American Air Liquide, Inc.
Intellectual Property Dept.
2700 Post Oak Boulevard
Suite 1800
Houston TX 77056

MAILED

DEC 06 2010

PCT LEGAL ADMINISTRATION

In re Application of :
Gatineau et al. :
Application No.: 12/920,026 :
PCT No.: PCT/EP2009/051683 :
Int. Filing Date: 13 February 2009 : DECISION
Priority Date: 27 February 2008 :
Attorney Docket No.: Serie 7965 :
For: Method For Forming A Titanium-Containing Layer..:

This is in response to the correspondence filed on 27 August 2010.

BACKGROUND

International application PCT/EP2009/051683 was filed on 13 February 2009, claimed an earlier priority date of 27 February 2008, and designated the United States. The International Bureau transmitted a copy of the 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 27 August 2010. Applicants filed *inter alia* a basic national fee in 12/920,026 on 27 August 2010.

DISCUSSION

Review of the instant application file reveals that the Transmittal Letter filed on 27 August 2010 was directed toward the national stage under 35 U.S.C. 371 of "PCT/EP2009/051683," while the Electronic Acknowledgment Receipt dated 27 August 2010 identifies "PCT/FR09/51683." The bibliographic information for this case resembles that for PCT/EP2009/051683, not PCT/FR2009/051683. For instance, PCT/EP2009/051683 has the same international filing date, priority date, title and applicant as shown for this application. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

DECISION

The papers filed on 27 August 2010 are **NOT ACCEPTED** under 35 U.S.C. 371, without prejudice..

Any response must be filed within **TWO (2) MONTHS** from the mailing date of this Decision, extendable under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT**. It would be appropriate to entitle such a response as "Petition Under 37 CFR 1.182."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
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American Air Liquide, Inc.
Intellectual Property Dept.
2700 Post Oak Boulevard
Suite 1800
Houston TX 77056

MAILED

MAR 25 2011

PCT LEGAL ADMINISTRATION

In re Application of :
Gatineau et al. :
Application No.: 12/920,026 :
PCT No.: PCT/EP2009/051683 :
Int. Filing Date: 13 February 2009 : DECISION
Priority Date: 27 February 2008 :
Attorney Docket No.: Serie 7965 :
For: Method For Forming A Titanium-Containing Layer..:

This is in response to the petition under 37 CFR 1.182 filed on 25 January 2011.

DISCUSSION

In a Decision mailed on 06 December 2010, applicants were advised that

> Review of the instant application file reveals that the Transmittal Letter filed on 27 August 2010 was directed toward the national stage under 35 U.S.C. 371 of "PCT/EP2009/051683," while the Electronic Acknowledgment Receipt dated 27 August 2010 identifies "PCT/FR09/51683." The bibliographic information for this case resembles that for PCT/EP2009/051683, not PCT/FR2009/051683. For instance, PCT/EP2009/051683 has the same international filing date, priority date, title and applicant as shown for this application. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

In response, petitioner states (in part) that "The international application number was entered into the EFS-Web user interface as PCT/FR2009/051683 in error; all references to the international application in the PCT/SB/1390, the preliminary amendment and the PCT publication itself show the correct number, PCT/EP2009/051683. Applicants intend for PCT/EP2009/051683 to enter the national stage under 35 U.S.C. § 371." Based on the totality of the evidence now of record, including the resemblance between the bibliographic data for the instant case and the corresponding indicia shown in PCT/EP2009/051683, it would be appropriate to accept petitioner's statements as to the nature of the discrepancy and the identity of the international application which is to enter the national phase.

Review of the declaration filed on 25 January 2011 reveals that it does not appear to be in a form provided by the USPTO or in accordance with PCT Rule 4.17(iv), and is not accompanied by the statement required under 37 CFR 1.69(b).

DECISION

The petition under 37 CFR 1.182 is **GRANTED** to the extent noted herein.

This application is being returned to the Office of Patent Application Processing for processing as the national stage under 35 U.S.C. 371 of **PCT/EP2009/051683**, including the updating of the electronic records of the USPTO (PALM) to reflect the correct national stage parentage, and 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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO

Application No:	12/920,034	Filing date:	8/27/2010
First Named Inventor:	Krawchuk		
Title of the Invention:	Swaddling Suit		

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/AU10/00800

The international filing date of the corresponding PCT application(s) is/are: 6/25/2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-AU (01-11)
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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE IPAU AND THE USPTO

(continued)

Application No.:	12/920,034
First Named Inventor:	Krawchuk

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
		See Appendix - Attachment C

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Howard F. Mandelbaum/	Date June 8, 2011
Name (Print/Typed) Howard F. Mandelbaum	Registration Number 27,519

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.
12/920,034	08/27/2010	Hana-Lia Krawchuk	ONEP0010US	9966

24235 7590 07/25/2011

LEVINE & MANDELBAUM
222 Bloomingdale Road
Suite 203
WHITE PLAINS, NY 10605

EXAMINER	
ART UNIT	PAPER NUMBER
3772	

MAIL DATE	DELIVERY MODE
07/25/2011	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
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Alexandria, VA 22313-1450
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LEVINE & MANDELBAUM
222 Bloomingdale Road
Suite 203
WHITE PLAINS NY 10605

In re Application of:
KRAWCHUK, HANA-LIA, et al
Serial No.: 12/920034
Filed: 08/27/2010
Attorney Docket No. : ONEP0010US
Title: SWADDLING SUIT

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 June 8, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the IPAU, JPO, EPO, KIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GREENLEE SULIVAM, P.C.
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER CO 80301

MAILED
SEP 14 2010
OFFICE OF PETITIONS

In re Application of :
Stéphane CHAILLOU et al :
Application No. 12/920,057 : DECISION ON PETITION
Filed: August 27, 2010 :
Attorney Docket No. 87-10 :

This is a decision on the petition under 37 CFR 1.182 to expedite handling of a petition by the Office of Petitions filed September 8, 2010. This is also a decision on the petition under 37 CFR 1.59(b), filed September 8, 2010, to expunge information from the above identified application.

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.59(b) is **GRANTED**.

Petitioner requests that a document filed August 27, 2010, be expunged from the record. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The proprietary information in question has been determined by the undersigned to not be material to the examination of the instant application.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. In the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Publicly available Documents." It is agreed that it would be appropriate in this instance to close the information in application serial no. 12/920,057, which was erroneously filed in the above identified application, and also remove such from the listing of publicly available documents for

this Image File Wrapper (IFW). Petitioner understands that upon granting the petition, the image of the inadvertently recorded document would remain in the records, but that the link to said information in the application and/or patent would be deleted, so that no information about the inadvertently recorded document would appear when searching for the application number and/or patent numbers.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

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 Sally A. Sullivan appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Sally A. Sullivan desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/920,086	Filing date:	February 27,2009
First Named Inventor:	Yafei Bi		
Title of the Invention:	Integrated Circuit Implementation and Fault Control System, Device, 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/US2009/035586

The international date of the corresponding PCT application(s) is/are: February 27, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/920,086
First Named Inventor:	Yafei Bi

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [■] Is attached
- [■] Has already been filed in the above-identified U.S. application on September 22, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [ ] Are attached.
- Have already been filed in the above-identified U.S. application on September 22, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
132	1	Identical claims but for numbering and non-substantive wording
133	2	Identical claims but for numbering and non-substantive wording
134	3	Identical claims but for numbering and non-substantive wording
135	11	Identical claims but for numbering and non-substantive wording
136	14	Identical claims but for numbering and non-substantive wording
138	52	Identical claims but for numbering and non-substantive wording
139	53	Identical claims but for numbering and non-substantive wording
140	54	Identical claims but for numbering and non-substantive wording
141	60	Identical claims but for numbering and non-substantive wording
142	77	Identical claims but for numbering and non-substantive wording
143	80	Identical claims but for numbering and non-substantive wording
144	82	Identical claims but for numbering and non-substantive wording
145	78	Identical claims but for numbering and non-substantive wording
146	22	Identical claims but for numbering and non-substantive wording
152	61	Identical claims but for numbering and non-substantive wording
153	79	Identical claims but for numbering and non-substantive wording

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Bret E. Field, Reg. No. 37,620/	Date October 27, 2010
Name (Print/Typed) Bret E. Field	Registration Number 37,620

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/920,086	10/22/2010	Yafei Bi	PRTS-104US	1386

61487 7590 12/14/2010

Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

EXAMINER	
ART UNIT	PAPER NUMBER
3766	

MAIL DATE	DELIVERY MODE
12/14/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

In re Application of	:	
BI, YAFEI et al	:	DECISION ON REQUEST TO
Application No. 12/920,086	:	PARTICIPATE IN PATENT
Filed: Oct. 27, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. PRTS-104US	:	PROGRAM AND PETITION
Title: INTEGRATED CIRCUIT IMPLEMENTATION AND FAULT CONTROL SYSTEM, DEVICE, AND METHOD	:	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 Oct. 27, 2010, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Carl Layno, the SPE of Art Unit 3766 and 571-272-4949 for Class 60/005 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

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.
12/920,098	08/27/2010	Chikara Ohto	Q120399	1453

23373 7590 04/05/2012

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
SODERQUIST, ARLEN

ART UNIT	PAPER NUMBER
1777	

NOTIFICATION DATE	DELIVERY MODE
04/05/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com
sughrue@sughrue.com
PPROCESSING@SUGHRUE.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

April 4, 2012

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
OHTO, CHIKARA et al	:	**DECISION ON PETITION**
Application No. 12/920,098	:	
Filed: 0 8/27/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. Q120399	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 27, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing 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 accompanied by all of the requirements above. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/920,105	Filing date:	August 28, 2010
First Named Inventor:	Jeremiah Couey		
Title of the Invention:	METHODS OF TEACHING BONDING LOCATIONS AND INSPECTING WIRE LOOPS ON A WIRE BON		

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/US2008/055407

The international date of the corresponding PCT application(s) is/are: February 29, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/920,105
First Named Inventor:	Jeremiah Couey

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on August 28, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-45	1-16, 18-32, 34-46, 48	All of the claims 1-48 were indicated as having novelty and inventive steps in the Written Opinion/ISR. Claims 1-45 in the present U.S. application exactly corresponds to claims 1-16, 18-32, 34-46, 48 of the PCT application. Claims 17, 33, and 47of the PCT application were cancelled and are not pending in the present U.S. application No amendment has been made to the remaining claims.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Christopher M. Spletzer, Sr./	Date September 1, 2010
Name (Print/Typed) Christopher M. Spletzer, Sr.	Registration Number 52,240

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/920,168	08/30/2010	Takao Yamaguchi	2010_1171A	1160

52349 7590 07/01/2011

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER	
ART UNIT	PAPER NUMBER
2472	

NOTIFICATION DATE	DELIVERY MODE
07/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com
eoa@wenderoth.com

(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) All the claims in the U.S. application must sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and Applicant must submit a claim correspondence table in English.

(4) Examination of the U.S. application has not begun.

(5) Applicant must submit: (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the 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).

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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
Networking, Multiplexing, Cable and Security

MAILED

JUN 30 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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Kenneth W. Fields
WENDEROTH, LIND, & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

In re Application of: YAMAGUCHI et al.
Application No.: **12/920,168**
Filed: August 30, 2010
For: PATH CONTROL DEVICE, PATH CONTROL METHOD, AND PATH CONTROL PROGRAM

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 **October 21, 2010,** to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
   (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
   (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
   (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

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SUITE 1200
WASHINGTON DC 20005-4051

MAILED
JUN 21 2011
PCT LEGAL ADMINISTRATION

In re of	:	DECISION ON
ROUGHLEY et al	:	
Application No: 12/920,181	:	
PCT No.: PCT/GB2009/00568	:	PETITION UNDER
Int. Filing Date: 27 February 2009	:	
Priority Date: 04 March 2008	:	
Attorney's Docket No.: 010180.00077	:	
For: Azetidine Derivative	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 20 April 2011.

BACKGROUND

On 30 August 2011, applicants filed via EFS-WEB entry into the national stage in the United States of America. Filed via EFS-WEB was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the filing.

On 27 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) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international number and international filing date must be furnished.

On 20 April 2011, petitioner filed the present petition under 37 CFR 1.47(a) accompanied, inter alia, an executed Declaration without the signature of one of the joint inventors, i.e., without the signature of Dr. Terance Hart, and that his correct spelling of his name is as such and not Terrence as on the international application.

DISCUSSION

37 CFR 1.47(a):

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint 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), (3) and (4) of 37 CFR 1.47(a). However, requirements (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), Although Mr. Walls has stated that package contain a complete copy of the application papers were mailed on 27 March 2011 to Mr. Hart's last known address (Exhibit D) but delivery was unsuccessful (Exhibit F). Petitioner then states that the package was then forwarded and delivered to Mr. Hart's Swiss employment address (Exhibit F).

However, a review of the confirmation from the postal service only refers to "delivered in SWITZERLAND on 29/03/11" but there is no address to verify that it was delivered at Hart's Swiss employment address and signed for by someone at the premise on behalf for Mr. Hart. That is, there is no signature on the postal receipt acknowledging that the papers were delivered and received at Mr. Hart's employment 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. Hart' conduct constitutes refusal since he was not given until the deadline to provide the documents.

Regarding requirement (3), petitioner has provided an affirmative statement of the last known address of the nonsigning co-inventor Mr. Hart.

Terance Hart
12 Perry Court
Cambridge CB3 ORS
United Kingdom

Regarding requirement (4), petitioner has provided a provided a properly executed declaration without the signature of joint inventor Terance Hart.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

37 CFR 1.182:

Petitioner alleges that correct spelling name of the third joint inventor is **Terance** HART and not as spelled in the publication of the international application as **Terrence** HART. However, a review of the declaration shows that the name of the third joint inventor was spelled as **Terrence** HART, the same as on the international application.

In this case, where an incorrect name was given, a petition under **37 CFR 1.182** should be filed requesting correction of applicant's name to include the correct at the national stage, and the executed declaration with the joint inventor's correct name.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

The petition under 37 CFR 1.182 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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MAILED
OCT 19 2011
PCT LEGAL ADMINISTRATION

In re of	:	DECISION ON
ROUGHLEY et al	:	
Application No: 12/920,181	:	
PCT No.: PCT/GB2009/00568	:	PETITION UNDER
Int. Filing Date: 27 February 2009	:	
Priority Date: 04 March 2008	:	37 CFR 1.47(a) AND
Attorney's Docket No.: 010180.00077	:	
For: Azetidine Derivative	:	37 CFR 1.182

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 19 August 2011.

BACKGROUND

In a decision from this Office on 21 June 2011, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 19 August 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting to accept the above application without the signature of joint inventor Terance HART. The petition is accompanied with a second declaration from Mr. Alan James Walls and exhibits A- D.

In addition, the petition states that the correct name of the third join inventor is **Terance** Hart and not has listed on the international application "Terrence." In addition, the petitioner has paid the requisite petition fee of $400.00 to correct the name under 37 CFR 1.182.

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 19 August 2011 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), the statement by Mr. Walls, who has first-hand knowledge of the facts, has provided a statement outlining the steps he took to have the package containing the application papers delivered to Mr. Hart. He arranged for the Switzerland firm to hand-deliver the package to Dr. Hart at his Swiss employment address. On July 7th Ms. Txchabold hand-delivered the package to the receptionist Mrs. Felder and she signed the delivery receipt (exhibit C and D (English translation)). The package instructed Mr. Hart to return the signed Declaration and Power of Attorney document by July 29th and as of the date of the second statement by Walls it has not been returned.

Consequently, at this time it can be concluded that Mr. Hart 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).

The petition under 37 CFR 1.47(a) is **GRANTED**.

37 CFR 1.182:

The current petition also states that the correct name of the third joint inventor is **Terance** Hart as indicated in the submitted declaration, and not as published in the International application, Terrence Hart. It is stated his that Terance Hart's name was incorrectly spelled in the international application but the name has now has been corrected. Accordingly, the correct name, Terance Hart, now appears in the declaration as filed on 20 April 2011 to the USPTO.

For the reasons above, the petition under 37 CFR 1.182 is **GRANTED** that the correct spelling of the joint inventor is **Terance** Hart.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The petition under 37 CFR 1.182 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.

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Terance Hart
12 Perry Court
Cambridge CB3 ORS
United Kingdom

MAILED
OCT 19 2011
PCT LEGAL ADMINISTRATION

In re of
ROUGHLEY et al
Application No: 12/920,181
PCT No.: PCT/GB2009/00568
Int. Filing Date: 27 February 2009
Priority Date: 04 March 2008
Attorney's Docket No.: 010180.00077
For: Azetidine Derivative

Dear: Mr. Hart,

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

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 03 2010

Commissioner for Patents
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PCT LEGAL ADMINISTRATION

PLUMSEA LAW GROUP, LLC
10411 MOTOR CITY DRIVE
SUITE 320
BETHESDA MD 20817

In re Application of :
CRAIG, Kenneth Todd, et al. :
Application No.: 12/920,220 :
PCT No.: PCT/IL2007/001486 :
Int. Filing Date: 02 December 2007 : DECISION
Priority Date: 01 December 2006 :
Att. Docket No.: 51-2105 :
For: A SOCK AND A METHOD FOR ITS MANUFACTURE :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 30 September 2010, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED

JUL 29 2011

PCT LEGAL ADMINISTRATION

PLUMSEA LAW GROUP, LLC
10411 MOTOR CITY DRIVE
SUITE 320
BETHESDA MD 20817

In re Application of :
CRAIG, Kenneth Todd, et al. :
Application No.: 12/920,220 : DECISION
PCT No.: PCT/IL2007/001486 :
Int. Filing Date: 02 December 2007 : ON PETITION UNDER
Priority Date: 01 December 2006 :
Att. Docket No.: 51-2105 : 37 CFR 1.47(a)
For: A SOCK AND A METHOD FOR ITS MANUFACTURE :

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 23 May 2011.

BACKGROUND

On 23 December 2010, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for filing the search fee, examination fee or oath or declaration after thirty months were required.

On 23 May 2011, applicants filed this petition under 37 CFR 1.47(a), accompanied by the fee for a three month extension of time.

On 25 July 2011, the Office mailed Notice of Acceptance (Form PCT/DO/EO/903) indicating that the requirements under 35 USC 371(c)(1), (c)(2) and (c)(4) and all 35 USC 371 requirements were satisfied on 23 May 2011.

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), (2), (3) and (4) have been satisfied. The petition fee has been paid. Applicants state that they sent the inventor a complete copy of the application papers and the declaration, and that the passage of sufficient time, the inventor has not returned an executed declaration. Applicant states the last known address of the non-signing inventor, Donna L. Marchant as 4

Whitehurst Avenue; Hitchin, Hertfordshire SG5 1SR; United Kingdom. The declaration is executed by the signing inventors on behalf on the non-signing inventor.

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.

A Notification of Acceptance (Form PCT/DO/EO/903) issued prematurely in this application, but it is correct and confirmed.

This application is being referred the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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AUG 01 2011

PCT LEGAL ADMINISTRATION

Donna L. Marchant
4 Whitehurst Avenue
Hitchin, Hertfordshire SG5 1SR
United Kingdom

In re Application of
CRAIG, Kenneth Todd, et al.
Application No.: 12/920,220
PCT No.: PCT/IL2007/001486
Int. Filing Date: 02 December 2007
Priority Date: 01 December 2006
Att. Docket No.: 51-2105
For: A SOCK AND A METHOD FOR ITS MANUFACTURE

Dear Ms. Marchant:

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

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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
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AUSTIN, TX 78767-0398

MAILED

NOV 03 2010

PCT LEGAL ADMINISTRATION

In re Application of SPARGIAS :
U.S. Application No.: 12/920,278 :
PCT Application No.: PCT/GR2008/000024 :
Int. Filing Date: 14 April 2008 :
Priority Date Claimed: 13 April 2007 :
Attorney Docket No.: 6333-02400 : DECISION
For: ANTI-RESTENOSIS DRUG COVERED :
AND ELUTING BALLOONS FOR :
VALVULOPLASTY OF AORTIC VALVE :
STENOSIS FOR THE PREVENTION OF :
RESTENOSIS :

This is in response to applicant's petition under 37 CFR 1.137(b)" filed 30 August 2010.

BACKGROUND

On 14 April 2008, applicant filed international application PCT/GR2008/000024, which claimed priority of an earlier Greece application filed 13 April 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 23 October 2008. The thirty-month period for paying the basic national fee in the United States expired on 13 October 2009.

On 14 October 2009, international application PCT/GR2008/000024 became abandoned as to the United States for failure to timely pay the basic national fee.

On 30 August 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The entire delay in paying the basic national fee was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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
PCT Legal Examiner
PCT Legal Office

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Facsimile: 571-273-0459

United States Patent and Trademark Office

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JUN 16 2011

PCT LEGAL ADMINISTRATION

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
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WASHINGTON DC 20044-4300

In re Application of :
Nakatsu et al. :
Application No. 12/920,296 :
PCT No.: PCT/JP2009/068704 :
Int. Filing Date: 30 October 2009 : DECISION
Priority Date: 31 October 2008 :
Atty. Docket No.: 105920.62820US :
For: Power Module, Power Converter Device, :
And Electrically Powered Vehicle :

This is in response to the "Response to Notice of Abandonment" filed on 13 October 2010.

BACKGROUND

This international application was filed on 30 October 2009, claimed an earliest priority date of 31 October 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 06 May 2010. The 30 month time period for paying the basic national fee in the United States expired at midnight on 30 April 2011. Applicant filed *inter alia* the basic national fee on 30 August 2010.

On 07 October 2010, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to counsel, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely pay the basic national fee.

DISCUSSION

Counsel seeks withdrawal of the holding of abandonment on the basis of correspondence and fees filed on 30 August 2010. In particular, counsel states that the submission of that date included payment of the "filing fee," as well as a deposit account authorization. Review of the record reveals that the basic national fee was in fact paid on 30 August 2010. In addition, it is noted that the correspondence filed on 30 August 2010 now has been matched with the IFW application file. As such, the Notification of Abandonment was mailed in error, and it is hereby **VACATED**. The holding of abandonment is **WITHDRAWN**.

DECISION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for further processing, including the correction of the electronic records of the USPTO to show the status of the application as pending, not abandoned.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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MAR 25 2011

PCT LEGAL ADMINISTRATION

YOUNG BASILE
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

In re Application of: SAITO, Masakazu, et al.
U.S. Application No.: 12/920,374
PCT No.: PCT/IB2009/000374
International Filing Date: 27 February 2009
Priority Date: 03 March 2008
Attorney's Docket No.: NNA-492-B
For: CONTROL APPARTUS AND METHOD FOR CONTROLLING A HYBRID VEHICLE

DECISION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "PETITION FOR FILING BY OTHER THAN ALL OF THE INVENTORS UNDER 37 C.F.R. § 1.47(a)" filed 11 January 2011. Applicants have paid the required petition fee.

BACKGROUND

On 27 February 2009, applicants filed international application PCT/IB2009/000374. The international application claimed a priority date of 03 March 2008, and it designated the United States. On 11 September 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., 03 September 2010.

On 31 August 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 13 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 11 January 2011, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the required surcharge, a declaration executed by one of the two 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 co-inventor Masakazu SAITO, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining 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 joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors of record, and the declaration includes an unsigned signature block for the non-signing co-inventor, Masakazu SAITO. This declaration may be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Accordingly, item (3) of a grantable petition is satisfied.

Regarding item (4), MPEP section 409.03(d)(II) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have provided a firsthand statement, with supporting documents, providing an acceptable showing that, among other efforts made to obtain the inventor's signature, a written request for signature accompanied by a copy of the complete application was delivered to the last known address of the non-signing inventor and the non-signing inventor has failed to provide the requested signature in response to applicants' request. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (4) is therefore satisfied.

Based on the above, applicants have satisfied all the requirements for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing co-inventor Masakazu SAITO.

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 inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 11 January 2011.

/RichardMRoss/

Richard M. Ross
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Telephone: (571) 272-3296

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MAR 25 2011

PCT LEGAL ADMINISTRATION

Masakazu SAITO
2-16-15-410 Chuourinkan, Yamato-shi
Kanagawa 242-0007
JAPAN

In re Application of: SAITO, Masakazu, et al.
U.S. Application No.: 12/920,374
PCT No.: PCT/IB2009/000374
International Filing Date: 27 February 2009
Priority Date: 03 March 2008
Attorney's Docket No.: NNA-492-B
For: CONTROL APPARTUS AND METHOD FOR CONTROLLING A HYBRID VEHICLE

Dear Mr. SAITO:

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/

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Counsel Of Record:
Michelle K. Knight
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Troy, MI 48084

MAILED

MAR 18 2011

PCT LEGAL ADMINISTRATION

In re Application of:
UENO et al.
Application No.: 12/920,382
PCT No.: PCT/IB2009/000375
Int. Filing Date: 27 February 2009
Priority Date: 03 March 2008
Attorney Docket No.: NNA-496-B
For: CONTROL APPARATUS AND METHOD FOR CONTROLLING A HYBRID VEHICLE

DECISION ON PETITION

This decision is issued in response to applicants' "Petition For Filing By Other Than All of the Inventors under 37 CFR 1.47(a)" filed 11 January 2011 to accept the application without the signature of joint-inventor, Masakazu Saito.

BACKGROUND

On 27 February 2009, applicants filed international application PCT/IB2009/000375 which claimed a priority date of 03 March 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 03 September 2010.

On 31 August 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 06 October 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 11 January 2011, applicants filed the present petition under 37 CFR 1.47(a) and two-month extension of time.

DISCUSSION

Applicants claim that co-inventor Masakazu Saito 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 02 July 2010. The documents provided to Masakazu Saito included instructions to sign and return the declaration. Further, the subject petition noted that the documents were received by Masakazu Saito on 05 July 2010. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. 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 (Masakazu Saito). 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 Masakazu Saito 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 R

Anthony Smith
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Telephone: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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Masakazu Saito
2-16-15-410 Chuourinkan, Yamoato-shi
Kanagawa 242-0007, Japan

MAILED

MAR 18 2011

PCT LEGAL ADMINISTRATION

In re Application of:
UENO et al.
Application No.: 12/920,382
PCT No.: PCT/IB2009/000035
Int. Filing Date: 27 February 2009
Priority Date: 03 March 2008
Attorney Docket No.: DKT08023A
For: CONTROL APPARATUS AND METHOD FOR CONTROLLING A HYBRID VEHICLE

Dear Masakazu Saito:

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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SOUTHFIELD MI 48075

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NOV 02 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Putatunda et al	:	
Application No.: 12/920,421	:	
PCT No.: PCT/US2008/088319	:	
Int. Filing Date: 24 December 2008	:	PETITION UNDER
Priority Date: 26 December 2007	:	
Attorney's Docket No.: WSU0208PUSA	:	
For: DEVELOPMENT... BAINITIC STEEL	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An Internation Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 31 August 2010.

BACKGROUND

On 24 December 2008, this international application was filed, claiming an earliest priority date of 26 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 26 June 2010. This international application became abandoned with respect to the United States at midnight on 26 June 2010 for failure to pay the required basic national fee.

On 31 August 2010, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
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Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12/920,444	Filing date:	August 31, 2010
First Named Inventor:	Shinichi SUMIYAMA		
Title of the Invention:	ALKALINE BATTERY		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/001835

The international date of the corresponding PCT application(s) is/are: March 15, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/920,444
First Named Inventor:	Shinichi SUMIYAMA

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on August 31, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on August 31, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same
2	2	Same
3	3	Same
4	4	Same
5	5	Same
6	6	Same
7	7	Same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Kumar Syed Ahmed 58,958	Date September 7, 2010
Name (Print/Typed) Michael E. Fogarty	Registration Number 36,139

for

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 TRANSLATION

I, the undersigned, hereby certify

that I am well acquainted with the English and Japanese languages,

that I prepared the attached document, and

that, to the best of my knowledge and belief, the attached document is an accurate translation of International Patent Application No. PCT/JP2010/001835.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

Y. Oha

Yoshiko OHA

August 2. 2010

Date

Translation of claims determined to be patentable by the ISA

1. An alkaline battery comprising:
a positive electrode and a negative electrode contained in a battery case with a separator interposed therebetween, wherein
the positive electrode contains manganese dioxide and an alkaline electrolyte,
the negative electrode is a gelled negative electrode containing zinc powder, a gelling agent, and an alkaline electrolyte, and
the zinc powder contains 15 % by mass or higher of fine powder with a particle size smaller than 200 mesh, and 10 to 35 % by mass of coarse powder with a particle size of 20 to 80 mesh, and has a specific surface area in the range of 0.025 to 0.080 m^2/g.

2. The alkaline battery of claim 1, wherein
the zinc powder contains Al in the range of 80 to 800 ppm.

3. The alkaline battery of claim 1, wherein
the zinc powder contains Bi in the range of 30 to 150 ppm.

4. The alkaline battery of claim 1, wherein
the battery case is made of a closed-end, cylindrical case which functions as part of a positive electrode terminal, and an opening of the battery case is sealed with a sealing plate which functions as a negative electrode terminal,
a bottom of the battery case includes a protrusion which functions as the positive electrode terminal, and a shoulder which extends from a barrel of the battery case to the protrusion, and
the separator is a closed-end, cylindrical separator, and a gap between the shoulder of the battery case and a bottom of the separator is 0.5 mm or smaller.

5. The alkaline battery of claim 4, wherein
a graphite coating is formed on an inner surface of the barrel of the battery case, and an inner surface of the bottom of the battery case.

6. The alkaline battery of claim 1, wherein
the negative electrode contains the gelling agent in an amount of 1.8 to 2.65 % b

y mass relative to the alkaline electrolyte in the gelled negative electrode.

7. The alkaline battery of claim 1, wherein

a difference between moisture content in an uppermost part of the gelled negative electrode and moisture content in a lowermost part of the gelled negative electrode is 2.5 % by mass or smaller.

請求の範囲（PCT/JP2010/001835）

【請求項１】

正極及び負極がセパレータを介して電池ケース内に収納されてなるアルカリ電池であって、

前記正極は、二酸化マンガン及びアルカリ電解液を含み、

前記負極は、亜鉛粉末、ゲル化剤、及びアルカリ電解液を含むゲル状負極からなり、

前記亜鉛粉末は、２００メッシュ未満の微粉が１５質量％以上、２０～８０メッシュの粗粉が１０～３５質量％の範囲で含まれ、かつ、前記亜鉛粉末の比表面積が、０．０２５～０．０８０ｍ２／ｇの範囲にある、アルカリ電池。

【請求項２】

前記亜鉛粉末は、８０～８００ｐｐｍの範囲のＡｌを含有する、請求項１に記載のアルカリ電池。

【請求項３】

前記亜鉛粉末は、３０～１５０ｐｐｍの範囲のＢｉを含有する、請求項１に記載のアルカリ電池。

【請求項４】

前記電池ケースは、正極の一部を兼ねた有底円筒形からなり、前記電池ケースの開口部は、負極端子を兼ねた封口板で封口されており、

前記電池ケースの底部は、正極端子となる突起部と、前記電池ケースの胴体部から前記突起部に繋がる肩部とを備え、

前記セパレータは、有底円筒形からなり、前記電池ケースの肩部と前記セパレータの底部との隙間が、０．５ｍｍ以下である、請求項１に記載のアルカリ電池。

【請求項５】

前記電池ケースの胴体部及び底部の内面に、黒鉛塗膜が形成されている、請求項４に記載のアルカリ電池。

【請求項６】

前記負極は、前記ゲル状負極中のアルカリ電解液に対して１．８～２．６５質量％の範囲のゲル化剤を含む、請求項１に記載のアルカリ電池。

【請求項７】

前記ゲル状負極中の最上部に含まれる水分率と最下部に含まれる水分率との差は、２．５質量％以下である、請求項１に記載のアルカリ電池。

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. **PCT/JP2010/001835**

Box No.V

1. Statement

Novelty(N)	Claims	1-7	YES
	Claims		NO
Inventive step(IS)	Claims	1-7	YES
	Claims		NO
Industrial applicability(IA)	Claims	1-7	YES
	Claims		NO

2. Citation and explanations:

Novelty and inventive step of the invention as set forth in claims 1-7 are not denied by any of the documents cited in the ISR.

An alkaline battery as set forth in claims 1-14 is not described in any of the documents cited in the ISR nor would be obvious to a person skilled in the art.

特許協力条約

前田
'10.4.21
特許

発信人　日本国特許庁（国際調査機関）

代理人
前田弘

様

あて名
〒541-0053
日本国大阪府大阪市中央区本町２丁目５番７号
大阪丸紅ビル

PCT
国際調査機関の見解書
（法施行規則第40条の2）
［PCT規則43の2.1］

発送日 （日.月.年）	20.04.2010
出願人又は代理人 の書類記号　P055965P0	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
PCT／JP2010／001835	（日.月.年）　15.03.2010	（日.月.年）　07.09.2009

国際特許分類（IPC）Int.Cl. H01M6/08(2006.01)i, H01M2/02(2006.01)i, H01M2/04(2006.01)i, H01M4/06(2006.01)i, H01M4/42(2006.01)i, H01M4/66(2006.01)i, H01M6/22(2006.01)i

出願人（氏名又は名称）
パナソニック株式会社

1．この見解書は次の内容を含む。

- [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
12.04.2010

名称及びあて先	特許庁審査官（権限のある職員）	4X	3951
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	山下　裕久 電話番号　03－3581－1101　内線　3477		

様式PCT／ISA／237（表紙）（2009年7月）

国際調査機関の見解書

国際出願番号 PCT／JP2010／001835

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、提出された以下の配列表に基づき見解書を作成した。

a．提出手段 ☐ 紙形式

☐ 電子形式

b．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、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、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／ＪＰ２０１０／００１８３５

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	1-7	有
	請求項		無
進歩性（ＩＳ）	請求項	1-7	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1-7	有
	請求項		無

2．　文献及び説明

請求項１－７に係る発明の新規性・進歩性は、国際調査報告に引用されたいずれの文献によっても否定し得ない。

請求項１－７に記載のアルカリ電池は、国際調査報告に引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF RECEIPT OF RECORD COPY

(PCT Rule 24.2(a))

To:

MAEDA, Hiroshi
Osaka-Marubeni Bldg.,5-7,Hommachi 2-chome,
Chuo-ku, Osaka-shi, Osaka
5410053
JAPON

Date of mailing *(day/month/year)*	IMPORTANT NOTIFICATION
13 April 2010 (13.04.2010)	
Applicant's or agent's file reference	International application No.
P055965P0 M10-CK098CT1	PCT/JP2010/001835

The applicant is hereby **notified** that the International Bureau has received the record copy of the international application as detailed below.

Name(s) of the applicant(s) and State(s) for which they are applicants:

PANASONIC CORPORATION (for all designated States except US)
SUMIYAMA, Shinichi et al (for US)

International filing date: 15 March 2010 (15.03.2010)
Priority date(s) claimed: 07 September 2009 (07.09.2009)
Date of receipt of the record copy by the International Bureau: 25 March 2010 (25.03.2010)
List of designated Offices:

AP: BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW
EA: AM, AZ, BY, KG, KZ, MD, RU, TJ, TM
EP: AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, SE, SI, SK, SM, TR
OA: BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG
National: AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PE, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW

ATTENTION: The applicant should carefully check the data appearing in this notification. In case of any discrepancy between these data and the indications in the international application, the applicant should immediately inform the International Bureau. **In addition, the applicant's attention is drawn to the information contained in the Annex**, relating to:

- time limits for entry into the national phase - **see updated important information (as of April 2002)**
- requirements regarding priority documents (if applicable)

A copy of this notification is being sent to the receiving Office and to the International Searching Authority.

The International Bureau of WIPO	Authorized officer
34, chemin des Colombettes 1211 Geneva 20, Switzerland	Peretti Eliott

ANNEX TO FORM PCT/IB/301

International application No.
PCT/JP2010/001835

INFORMATION ON ENTERING THE NATIONAL PHASE

The applicant is reminded that the **"national phase" must be entered** before each of the designated Offices indicated on the cover sheet of this notification by paying national fees and furnishing translations, as prescribed by Articles 22 and 39 and the applicable national laws. In addition, the applicant may also have to comply with **other special requirements** applicable in certain Offices. It is the **applicant's responsibility** to ensure that the necessary steps to enter the national phase are taken in a timely fashion. Most Offices do not issue reminders to applicants in connection with the entry into the national phase.

The **applicable time limit** for entering the national phase will, **subject to what is said in the following paragraph,** be **30 MONTHS** from the priority date, not only in respect of any elected Office if a demand for international preliminary examination is filed before the expiration of 19 months from the priority date (see Article 39(1)), but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see *PCT Gazette* No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the *PCT Newsletter*, October and November 2001 and February 2002 issues.

In practice, **time limits other than the 30-month time limit will continue to apply, for various periods of time,** in respect of certain designated or elected Offices. For **regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit),** Office by Office, refer to the *PCT Gazette* ("Section IV" part published on a weekly basis), to the *PCT Newsletter* (on a monthly basis) and to the relevant National Chapters in Volume II of the *PCT Applicant's Guide* (the paper version of which is updated usually twice a year and the Internet version of which is updated usually on a weekly basis). Finally, a cumulative table of all applicable time limits for entering the national phase is available from WIPO's Internet site, via links from various pages of the site, including those of the *Gazette*, *Newsletter* and *Guide*, at http://www.wipo.int/pct/en/index.html.

Information about the requirements for **filing a demand for international preliminary examination** is set out in the *PCT Applicant's Guide*, Volume I/A, Chapter IX. Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

REQUIREMENTS REGARDING PRIORITY DOCUMENTS

For applicants who have not yet complied with the requirements regarding priority documents, the following is recalled.

Where the priority of an earlier national, regional or international application is claimed, the applicant must submit a copy of the said earlier application, certified by the authority with which it was filed ("the priority document") to the receiving Office (which will transmit it to the International Bureau) or directly to the International Bureau, before the expiration of 16 months from the priority date, provided that any such priority document may still be submitted to the International Bureau before the date of international publication of the international application, in which case that document will be considered to have been received by the International Bureau on the last day of the 16-month time limit (Rule 17.1(a)).

Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to prepare and transmit the priority document to the International Bureau. Such request must be made before the expiration of the 16-month time limit and may be subjected by the receiving Office to the payment of a fee (Rule 17.1(b)).

If the priority document concerned is not submitted to the International Bureau and if the request to the receiving Office to prepare and transmit the priority document has not been made (and the corresponding fee, if any, paid) within the applicable time limit indicated under the preceding paragraphs, any designated State may disregard the priority claim, provided that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances (Rule 17.1(c)).

Where several priorities are claimed, the priority date to be considered for the purposes of computing the 16-month time limit (and all other PCT time limits) is the filing date of the earliest application whose priority is claimed (Article 2(xi)(b)).

PATENT COOPERATION TREATY

PCT/JP2010/001835

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
SUBMISSION OR TRANSMITTAL
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

To:

MAEDA, Hiroshi
Osaka-Marubeni Bldg.,5-7,Hommachi 2-chome,
Chuo-ku, Osaka-shi, Osaka
5410053
JAPON

Date of mailing *(day/month/year)* 04 May 2010 (04.05.2010)	
Applicant's or agent's file reference P055965P0 1410 -OK098	**IMPORTANT NOTIFICATION**
International application No. PCT/JP2010/001835	International filing date *(day/month/year)* 15 March 2010 (15.03.2010)
International publication date *(day/month/year)* **Not yet published**	Priority date *(day/month/year)* 07 September 2009 (07.09.2009)
Applicant PANASONIC CORPORATION et al	

1. By means of this Form, which replaces any previously issued notification concerning submission or transmittal of priority documents, the applicant is hereby notified of the date of receipt by the International Bureau of the priority document(s) relating to all earlier application(s) whose priority is claimed. Unless otherwise indicated by the letters "NR", in the right-hand column or by an asterisk appearing next to a date of receipt, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).

2. *(If applicable)* The **letters "NR"** appearing in the right-hand column denote **a priority document which, on the date of mailing of this Form, had not yet been received by the International Bureau** under Rule 17.1(a) or (b). Where, under Rule 17.1(a), the priority document must be submitted by the applicant to the receiving Office or the International Bureau, but the applicant fails to submit the priority document within the applicable time limit under that Rule, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

3. *(If applicable)***An asterisk (*)** appearing next to a date of receipt, in the right-hand column, denotes **a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b)** (the priority document was received after the time limit prescribed in Rule 17.1(a) or the request to prepare and transmit the priority document was submitted to the receiving Office after the applicable time limit under Rule 17.1(b)). Even though the priority document was not furnished in compliance with Rule 17.1(a) or (b), the International Bureau will nevertheless transmit a copy of the document to the designated Offices, for their consideration. In case such a copy is not accepted by the designated Office as the priority document, Rule 17.1(c) provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

Priority date	Priority application No.	Country or regional Office or PCT receiving Office	Date of receipt of priority document
07 September 2009 (07.09.2009)	2009-205587	JP	30 April 2010 (30.04.2010)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer
Yoshiko Kuwahara

特許協力条約

前田
10.4.21
特許

発信人　日本国特許庁（国際調査機関）

代理人
前田弘
様

あて名
〒541-0053
日本国大阪府大阪市中央区本町２丁目５番７号
大阪丸紅ビル

PCT

国際調査報告及び国際調査機関の見解書
又は国際調査報告を作成しない旨の決定
の送付の通知書
（法施行規則第41条）
［PCT規則44.1］

出願人又は代理人の書類記号　P055965P0	今後の手続きについては、下記１及び４を参照。
国際出願番号　PCT／JP2010／001835	国際出願日（日.月.年）　15．03．2010
出願人（氏名又は名称） パナソニック株式会社	
発送日（日.月.年）　20．04．2010	

1．☑ 国際調査報告及び国際調査機関の見解書が作成されたこと、及びこの送付書とともに送付することを、出願人に通知する。
ＰＣＴ19条の規定に基づく補正書及び説明書の提出
出願人は、国際出願の請求の範囲を補正することができる（ＰＣＴ規則46参照）。
いつ　補正書の提出期間は、通常国際調査報告の送付の日から２月である。
どこへ　直接次の場所へ　The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: +41 22 338 82 70
詳細な手続については、添付用紙の備考を参照すること。

2．☐ 国際調査報告が作成されないこと、及び法第8条第2項（ＰＣＴ17条(2)(a)）の規定による国際調査報告を作成しない旨の決定及び国際調査機関の見解書をこの送付書とともに送付することを、出願人に通知する。

3．☐ 法施行規則第44条（ＰＣＴ規則40.2）に規定する追加手数料の納付に対する異議の申立てに関して、出願人に下記の点を通知する。
☐ 異議の申立てと当該異議についての決定を、その異議の申し立てと当該異議についての決定の両方を指定官庁へ送付することを求める出願人の請求とともに、国際事務局へ送付した。
☐ 当該異議についての決定は、まだ行われていない。決定されしだい出願人に通知する。

4．今後の手続；　出願人は次の点に注意すること。
優先日から１８月経過後、国際出願は国際事務局によりすみやかに国際公開される。出願人が公開の中止又は延期を望むときは、国際出願又は優先権の主張の取下げの通知がＰＣＴ規則90の2.1及び90の2.3にそれぞれ規定されているように、国際公開の事務的な準備が完了する前に国際事務局に到達しなければならない。
出願人は、国際調査機関の見解書に対して、非公式コメントを提出することができる。国際事務局は、国際予備審査報告が作成された場合又は作成される場合を除いて、このコメントをすべての指定官庁に送付する。これらのコメントは公開されるが、優先日から３０月が経過するまでは公開されない。
いくつかの指定官庁については、出願人が国内段階の開始を優先日から３０月まで（官庁によってはさらに遅くまで）延期することを望むときは、優先日から１９月以内に、国際予備審査の請求書が提出されなければならない。そうでなければ、出願人はそれらの指定官庁に対して優先日から２０月以内に、国内段階の開始のための所定の手続を取らなければならない。
その他の指定官庁については、１９月以内に国際予備審査の請求書が提出されない場合にも、３０月の（あるいはさらに遅い）期限が適用される。
様式ＰＣＴ／ＩＢ／３０１の付属書類を参照。個々の指定官庁で適用される期限の詳細については、ＰＣＴ出願人の手引、国内段階を参照。

名称及びあて名 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	権限のある職員 特　許　庁　長　官 電話番号　０３－３５８１－１１０１　内線　３４７７
	4X　3951

（添付用紙を参照）

注　　意

1．国際調査報告の発送日から起算する条約第19条（1）及び規則46.1に従う国際事務局への補正期間に注意してください。

2．条約22条（2）に規定する期間に注意してください。

3．法律又は契約等の制限により、国際調査報告に記載した非特許文献の写しの一部又は全てが送付されない場合があります。

4．文献の写しの請求について

国際調査報告に記載した文献の複写

特許庁にこれらの引用文献の写しを請求することもできますが、独立行政法人工業所有権情報・研修館（特許庁庁舎２階）で公報類の閲覧・複写および公報以外の文献複写等の取り扱いをしています。

〔担当及び照会先〕

〒１００－００１３　東京都千代田区霞が関３丁目４番３号（特許庁庁舎２階）

独立行政法人工業所有権情報・研修館

【公 報 類】　閲覧部　ＴＥＬ　03－3581－1101　内線3811～2

【公報以外】　資料部　ＴＥＬ　03－3581－1101　内線3831～3

注意　特許庁に対して文献の写しの請求をすることができる期間は、国際出願日から７年です。

様式ＰＣＴ／ＩＳＡ／２２０の備考

この備考は、ＰＣＴ19条の規定に基づく補正書の提出に関する基本的な指示を与えるためのものである。この備考は特許協力条約並びにこの条約に基づく規則及び実施細則の規定に基づいている。この備考とそれらの規定とが相違する場合には、後者が適用される。詳細な情報については、ＰＣＴ出願人の手引も参照すること。

ＰＣＴ19条の規定に基づく補正書の提出に関する指示

出願人は、国際調査報告及び国際調査機関の見解書を受領した後、国際出願の請求の範囲を補正する機会が一回ある。しかし、国際出願のすべての部分（請求の範囲、明細書及び図面）が、国際予備審査の手続においても補正できるもので、例えば出願人が仮保護のために補正書を公開することを希望する場合又は国際公開前に請求の範囲を補正する別の理由がある場合を除き、通常ＰＣＴ19条の規定に基づく補正書を提出する必要はないことを強調しておく。さらに、仮保護は一部の国のみで与えられるだけであることも強調しておく（ＰＣＴ出願人の手引、附録Ｂ参照）。

国際調査機関がＰＣＴ17条(2)の規定により国際調査報告を作成しない旨の決定をしたときは、ＰＣＴ19条の規定により請求の範囲を補正することができないことに、出願人は注意されたい（ＰＣＴ出願人の手引き、国際段階、第296段落参照）。

補正の対象となるもの

ＰＣＴ19条の規定により請求の範囲のみ補正することができる。
国際段階においてＰＣＴ34条の規定に基づく国際予備審査の手続きにおいて請求の範囲を（更に）補正することができる。
明細書及び図面は、ＰＣＴ34条の規定に基づく国際予備審査の手続においてのみ補正することができる。
国内段階に移行する際、ＰＣＴ28条（又はＰＣＴ41条）の規定により、国際出願のすべての部分を補正することができる。

いつ

国際調査報告の送付の日から２月又は優先日から１６月の内どちらか遅く満了するほうの期間内。しかし、その期間の満了後であっても国際公開の技術的な準備の完了前に国際事務局が補正を受領した場合には、その補正書は、期間内に受理されたものとみなすことを強調しておく（ＰＣＴ規則46.1）。

補正書を提出すべきところ

補正書は、国際事務局のみに提出でき、受理官庁又は国際調査機関には提出してはいけない（ＰＣＴ規則46.2）。
国際予備審査の請求書を提出した／する場合については、以下を参照すること。

どのように

１以上の請求の範囲の削除、１以上の新たな請求の範囲の追加、又は１以上の請求の範囲の記載の補正による。
すでに提出したすべての請求の範囲を差し替えるための完全な一式の請求の範囲を含む差し替え用紙を提出しなければならない。請求の範囲を削除する場合、その他の請求の範囲の番号を付け直す必要はない。請求の範囲の番号を付け直す場合には、アラビア数字で連続番号で付け直さなければならない（実施細則205号(a)）。
補正は国際公開の言語で行う。

補正書にどのような書類を添付しなければならないか

書簡（ＰＣＴ実施細則第205号(b)）

補正書には書簡を添付しなければならない。
書簡は国際出願及び補正された請求の範囲とともに公開されることはない。これを「ＰＣＴ19条(1)に規定する説明書」と混同してはならない（「ＰＣＴ19条(1)に規定する説明書」については、以下を参照）。
書簡は、英語又は仏語を選択しなければならない。ただし、国際出願の言語が英語の場合、書簡は英語で、仏語の場合、書簡は仏語で記載しなければならない。
書簡には、出願時の請求の範囲と補正された請求の範囲との相違について表示しなければならない。特に、国際出願に記載した各請求の範囲との関連で次の表示（２以上の請求の範囲についての同一の表示する場合は、まとめることができる。）をしなければならない。

(i) この請求の範囲は変更しない。
(ii) この請求の範囲は削除する。
(iii) この請求の範囲は追加である。
(iv) この請求の範囲は出願時の１以上の請求の範囲と差し替える。
(v) この請求の範囲は出願時の請求の範囲の分割の結果である。

様式ＰＣＴ／ＩＳＡ／２２０の備考（続き）

次に、添付する書簡中での、補正についての説明の例を示す。

１．［請求の範囲の一部の補正によって請求の範囲の項数が４８から５１になった場合］：
“請求の範囲１－２９、３１、３２、３４、３５、３７－４８項は、同じ番号のもとに補正された請求の範囲と置き換えられた。請求の範囲３０、３３及び３６項は変更なし。新たに請求の範囲４９－５１項が追加された。”
２．［請求の範囲の全部の補正によって請求の範囲の項数が１５から１１になった場合］：
“請求の範囲１－１５項は、補正された請求の範囲１－１１項に置き換えられた。”
３．［原請求の範囲の項数が１４で、補正が一部の請求の範囲の削除と新たな請求の範囲の追加を含む場合］：
“請求の範囲１－６及び１４項は変更なし。請求の範囲７－１３は削除。新たに請求の範囲１５、１６及び１７項を追加。”又は
“請求の範囲７－１３は削除。新たに請求の範囲１５、１６及び１７項を追加。その他の全ての請求の範囲は変更なし。”
４．［各種の補正がある場合］：
“請求の範囲１－１０項は変更なし。請求の範囲１１－１３、１８及び１９項は削除。請求の範囲１４、１５及び１６項は補正された請求の範囲１４項に置き換えられた。請求の範囲１７項は補正された請求の範囲１５、１６及び１７項に分割された。新たに請求の範囲２０及び２１項が追加された。”

“ＰＣＴ19条(1)の規定に基づく説明書”（ＰＣＴ規則46.4）

補正書には、補正並びにその補正が明細書及び図面に与える影響についての説明書を提出することができる（明細書及び図面はＰＣＴ19条(1)の規定に基づいては補正できない）。

説明書は、国際出願及び補正された請求の範囲とともに公開される。

説明書は、国際公開の言語で作成しなければならない。

説明書は、簡潔でなければならず、英語の場合又は英語に翻訳した場合に５００語を越えてはならない。

説明書は、出願時の請求の範囲と補正された請求の範囲との相違を示す書簡と混同してはならない。説明書を、その書簡に代えることはできない。説明書は別紙で提出しなければならず、見出しを付すものとし、その見出しは“ＰＣＴ19条(1)の規定に基づく説明書”の語句を用いることが望ましい。

説明書には、国際調査報告又は国際調査報告に列記された文献との関連性に関して、これらを誹謗する意見を記載してはならない。国際調査報告に列記された特定の請求の範囲に関連する文献についての言及は、当該請求の範囲の補正に関してのみ行うことができる。

国際予備審査の請求書が提出されている場合

ＰＣＴ19条の規定に基づく補正書及び添付する説明書の提出の時に国際予備審査の請求書が既に提出されている場合には、出願人は、補正書（及び説明書）を国際事務局に提出すると同時にその写し及び必要な場合、その翻訳文を国際予備審査機関にも提出することが望ましい（ＰＣＴ規則55.3(a)、62.2の第１文を参照）。詳細は国際予備審査請求書（ＰＣＴ／ＩＰＥＡ／４０１）の注意書参照。

国際予備審査の請求がされた場合は、国際予備審査機関が国際調査機関としては行動しておらず、ＰＣＴ規則66.1の2(b)の規定による国際事務局への通告がなされているという特定の場合を除いて、国際調査機関の見解書は国際予備審査機関の見解書とみなされる。国際予備審査の請求がされると、様式ＰＣＴ／ＩＳＡ２２０の送付日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる（ＰＣＴ規則43の2.1(c)）。

国内段階に移行するための国際出願の翻訳に関して

国内段階に移行する際、ＰＣＴ19条の規定に基づいて補正された請求の範囲の翻訳を出願時の請求の範囲の翻訳の代わりに又は追加して、指定官庁／選択官庁に提出しなければならないこともあるので、出願人は注意されたい。

指定官庁／選択官庁の詳細な要求については、ＰＣＴ出願人の手引きの国内段階を参照。

特許協力条約

PCT

国際調査報告

(法8条、法施行規則第40、41条)
〔PCT18条、PCT規則43、44〕

前田
'10.4.21
特許

出願人又は代理人 M10-CK098 の書類記号 P055965P0	今後の手続きについては、様式PCT/ISA/220 及び下記5を参照すること。	
国際出願番号 PCT/JP2010/001835	国際出願日 (日.月.年) 15.03.2010	優先日 (日.月.年) 07.09.2009
出願人(氏名又は名称) パナソニック株式会社		

国際調査機関が作成したこの国際調査報告を法施行規則第41条(PCT18条)の規定に従い出願人に送付する。
この写しは国際事務局にも送付される。

この国際調査報告は、全部で 3 ページである。

☐ この調査報告に引用された先行技術文献の写しも添付されている。

1. 国際調査報告の基礎
   a. 言語に関し、この国際調査は以下のものに基づき行った。
      ☑ 出願時の言語による国際出願
      ☐ 出願時の言語から国際調査のための言語である _____ 語に翻訳された、
      この国際出願の翻訳文(PCT規則12.3(a)及び23.1(b))

   b. ☐ この国際調査報告は、PCT規則91の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した(PCT規則43.6の2(a))。

   c. ☐ この国際出願は、ヌクレオチド又はアミノ酸配列を含んでいる(第I欄参照)。

2. ☐ 請求の範囲の一部の調査ができない(第II欄参照)。

3. ☐ 発明の単一性が欠如している(第III欄参照)。

4. 発明の名称は
   ☑ 出願人が提出したものを承認する。
   ☐ 次に示すように国際調査機関が作成した。
   _____

5. 要約は
   ☑ 出願人が提出したものを承認する。
   ☐ 第IV欄に示されているように、法施行規則第47条第1項(PCT規則38.2)の規定により国際調査機関が作成した。出願人は、この国際調査報告の発送の日から1月以内にこの国際調査機関に意見を提出することができる。

6. 図面に関して
   a. 要約書とともに公表される図は、
      第 1 図とする。 ☑ 出願人が示したとおりである。
      ☐ 出願人は図を示さなかったので、国際調査機関が選択した。
      ☐ 本図は発明の特徴を一層よく表しているので、国際調査機関が選択した。

   b. ☐ 要約とともに公表される図はない

国際調査報告

国際出願番号　ＰＣＴ／ＪＰ２０１０／００１８３５

A.　発明の属する分野の分類（国際特許分類（ＩＰＣ））

Int.Cl.　H01M6/08(2006.01)i, H01M2/02(2006.01)i, H01M2/04(2006.01)i, H01M4/06(2006.01)i, H01M4/42(2006.01)i, H01M4/66(2006.01)i, H01M6/22(2006.01)i

B.　調査を行った分野

調査を行った最小限資料（国際特許分類（ＩＰＣ））

Int.Cl.　H01M6/08, H01M2/02, H01M2/04, H01M4/06, H01M4/42, H01M4/66, H01M6/22

最小限資料以外の資料で調査を行った分野に含まれるもの

日本国実用新案公報	１９２２－１９９６年
日本国公開実用新案公報	１９７１－２０１０年
日本国実用新案登録公報	１９９６－２０１０年
日本国登録実用新案公報	１９９４－２０１０年

国際調査で使用した電子データベース（データベースの名称、調査に使用した用語）

C.　関連すると認められる文献

引用文献のカテゴリー＊	引用文献名　及び一部の箇所が関連するときは、その関連する箇所の表示	関連する請求項の番号
A	JP 2007-227011 A（東芝電池株式会社）2007.09.06, 特許請求の範囲，段落０００６－００５２（ファミリーなし）	1-7
A	JP 2003-17077 A（東芝電池株式会社）2003.01.17, 特許請求の範囲，段落０００５－００３３（ファミリーなし）	1-7
A	JP 2004-253276 A（同和鉱業株式会社）2004.09.09, 特許請求の範囲，段落０００６－００１７（ファミリーなし）	1-7

☑ Ｃ欄の続きにも文献が列挙されている。

☐ パテントファミリーに関する別紙を参照。

＊　引用文献のカテゴリー
「A」特に関連のある文献ではなく、一般的技術水準を示すもの
「E」国際出願日前の出願または特許であるが、国際出願日以後に公表されたもの
「L」優先権主張に疑義を提起する文献又は他の文献の発行日若しくは他の特別な理由を確立するために引用する文献（理由を付す）
「O」口頭による開示、使用、展示等に言及する文献
「P」国際出願日前で、かつ優先権の主張の基礎となる出願の日の後に公表された文献
「T」国際出願日又は優先日後に公表された文献であって出願と矛盾するものではなく、発明の原理又は理論の理解のために引用するもの
「X」特に関連のある文献であって、当該文献のみで発明の新規性又は進歩性がないと考えられるもの
「Y」特に関連のある文献であって、当該文献と他の１以上の文献との、当業者にとって自明である組合せによって進歩性がないと考えられるもの
「&」同一パテントファミリー文献

国際調査を完了した日 １２．０４．２０１０	国際調査報告の発送日 ２０．０４．２０１０
国際調査機関の名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５	特許庁審査官（権限のある職員）　4X　3951 山下　裕久

C（続き）．　関連すると認められる文献

引用文献のカテゴリー＊	引用文献名　及び一部の箇所が関連するときは、その関連する箇所の表示	関連する請求項の番号
A	JP 2004-179044 A（日立マクセル株式会社）2004.06.24, 特許請求の範囲，段落０００６－００２５（ファミリーなし）	1-7
A	JP 2005-310616 A（松下電器産業株式会社）2005.11.04, 特許請求の範囲，段落０００４－００３８ & US 2007/0141466 A1 & EP 1739773 A1 & WO 2005/104277 A1	1-7
A	JP 57-182972 A（松下電器産業株式会社）1982.11.11, １頁－３頁（ファミリーなし）	1-7
A	JP 8-78017 A（同和鉱業株式会社）1996.03.22, 特許請求の範囲，段落０００７－００２４（ファミリーなし）	1-7

特許協力条約

前田
'10.4.21
特許

発信人　日本国特許庁（国際調査機関）

代理人
　前田弘

様

あて名
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日本国大阪府大阪市中央区本町２丁目５番７号
大阪丸紅ビル

PCT
国際調査機関の見解書
（法施行規則第40条の2）
〔PCT規則43の2.1〕

発送日 （日.月.年）	20.04.2010
出願人又は代理人 の書類記号　P055965P0	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
PCT／JP2010／001835	（日.月.年）　15.03.2010	（日.月.年）　07.09.2009

国際特許分類（IPC）Int.Cl. H01M6/08(2006.01)i, H01M2/02(2006.01)i, H01M2/04(2006.01)i, H01M4/06(2006.01)i, H01M4/42(2006.01)i, H01M4/66(2006.01)i, H01M6/22(2006.01)i

出願人（氏名又は名称）
パナソニック株式会社

１．この見解書は次の内容を含む。

- ☑ 第Ⅰ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT／ISA／220を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT／ISA／220を参照すること。

３．さらなる詳細は、様式PCT／ISA／220の備考を参照すること。

見解書を作成した日
12.04.2010

名称及びあて先
日本国特許庁（ISA／JP）
郵便番号100－8915
東京都千代田区霞が関三丁目４番３号

特許庁審査官（権限のある職員）　4X　3951
山下　裕久
電話番号　03－3581－1101　内線　3477

国際調査機関の見解書

国際出願番号 PCT／JP2010／001835

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、提出された以下の配列表に基づき見解書を作成した。

a．提出手段 ☐ 紙形式

☐ 電子形式

b．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、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、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／JP2010／001835

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	1-7	有
	請求項		無
進歩性（ＩＳ）	請求項	1-7	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1-7	有
	請求項		無

2． 文献及び説明

請求項１－７に係る発明の新規性・進歩性は、国際調査報告に引用されたいずれの文献によっても否定し得ない。

請求項１－７に記載のアルカリ電池は、国際調査報告に引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

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.
12/920,444	07/12/2011	Shinichi Sumiyama	085393-0310	4413

53080 7590 10/27/2011
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER	
HAN, KWANG S	

ART UNIT	PAPER NUMBER
1727	

NOTIFICATION DATE	DELIVERY MODE
10/27/2011	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):

mweipdocket@mwe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BC

OCT 2 7 2011

In re application of	:	DECISION ON REQUEST TO
Shinichi Sumiyama et al.	:	PARTICIPATE IN PATENT
Serial No. 12/920,444	:	PROSECUTION HIGHWAY
Filed: August 31, 2010	:	PROGRAM AND
Attorney Docket No: 085393-0310	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed September 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 must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the APO, IPA, JPO, KIPO, NBPR, NPI, EPO, Rospatent, IPOS, SPTO, PRV, UK IPO or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

DEC 17 2010

PCT LEGAL ADMINISTRATION

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

In re Application of :
Joh et al. :
Application No. 12/920,446 :
Filing Date: August 31, 2010 : DECISION
Atty. Docket No.: 13962-7 :
For: Reinforcing Member For Corrugated Membrane :
Of LNG Cargo Tank, Membrane Assembly... :

This is in response to the petition filed on 12 October 2010.

BACKGROUND

International application PCT/KR2009/001035 was filed on 03 March 2009, claimed an earlier priority date of 03 March 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 11 September 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 03 September 2010.

DISCUSSION

Petitioner requests treatment of this application under 35 U.S.C. 111(a), rather than 35 U.S.C. 371, in view of the policy described at MPEP 1893.03(a).

Review of the record reveals that the Electronic Acknowledgment Receipt associated with the correspondence filed on 31 August 2010 via EFS-Web indicates the instant application to be a national stage under 35 U.S.C. 371 of "PCT/KR2009/001035." However, inspection of the Transmittal Letter filed on 31 August 2010 reveals that it was designated as for "a new application under 37 CFR 1.53(b)," implying that treatment under 35 U.S.C. 111(a) was desired. The accompanying Application Data Sheet (ADS) indicated the present application to be "a Continuation of" PCT/KR2009/001035. The substitute specification filed therewith indicated that this application was intended as a "continuation" of "PCT/KR2000/001035."

The USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.

To clearly indicate an international application is being filed under 35 U.S.C. 371 the applicant should use the "Transmittal Letter for United States Designated Office" (Form PTO-1390) as the transmittal letter.

Alternatively, one of the following indications may be used:

1) the applicant shall clearly state in the transmittal or cover letter that he or she is filing under 35 U.S.C. 371 or entering the national stage under PCT; or

2) the applicant clearly identifies in the oath or declaration the specification to which it is directed by referring to a particular international application by PCT Serial Number and International Filing Date and that he or she is executing the declaration as, and seeking a U.S. Patent as, the inventor of the invention described in the identified international application.

If there are any conflicting instructions as to which section of the statute (371 or 111(a)) is intended the application will be accepted under 35 U.S.C. 111(a).

Inspection of the correspondence filed on 31 August 2010, described above, reveals that the Electronic Acknowledgment Receipt suggests that processing under 35 U.S.C. 371 was desired, whereas the Transmittal Letter suggests that processing under 35 U.S.C. 111(a) was intended. Processing under 35 U.S.C. 111(a) was also suggested by the ADS and substitute specification. These indicia constitute conflicting instructions as to whether processing under 35 U.S.C. 371 rather than U.S.C. 111(a) was desired. Under the policy referenced above, this application properly should be processed under 35 U.S.C. 111(a). Since applicants have not shown sufficient cause (e.g., loss of rights) or lack of availability of an alternative remedy, and indeed have requested adherence to this policy[1], it would be appropriate, and consistent with the policy considerations described above, to process this application under 35 U.S.C. 111(a).

DECISION

The petition is **GRANTED**, as described herein.

This application will be returned to the Office of Patent Application Processing for processing as an application filed under 35 U.S.C. 111(a). This processing will include the correction of the electronic records of the USPTO to show its correct status as an application filed under 35 U.S.C. 111(a).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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[1]Petitioner states *inter alia* that the application "was inadvertently uploaded and submitted via the Electronic Filing System (EFS), as a national stage entry of the PCT Application..."

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JERRY RICHARD POTTS
3248 VIA RIBERA
ESCONDIDO CA 92029

MAILED

FEB 08 2011

PCT LEGAL ADMINISTRATION

In re Application of :
DIWAN et al. :
Serial No.: 12/920,453 : DECISION ON
PCT App. No.: PCT/AU08/00611 :
Int'l Filing Date: 01 May 2008 : PETITION UNDER
Priority Date: None :
Attorney Docket No.: 408101-1US : 37 CFR 1.181
For: SYSTEMS METHODS AND APPARATUS: FOR FORMATION AND INSERTION OF TISSUE: PROSTHESES :

This is a decision on applicant's Petition to Withdraw the Holding of Abandonment Per 37 CFR 1.181(a), filed in the US Patent and Trademark Office on 08 October 2010. No petition fee is required.

BACKGROUND

On 31 August 2010, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 30 September 2010, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating, that the application went abandoned for failure to provide a copy of the international application by 30 months.

On 08 October 2010, applicant filed the present petition requesting that the Office withdraw the holding of abandonment as the applicant had timely filed a copy of the international application within the prescribed thirty month time period.

DISCUSSION

A review of the World Intellectual Property Organization records reveal that on 13 October 2009, the International Bureau mailed a Notification of Withdrawal of Priority Claim (Form PCT/IB/317) to applicant indicating that the priority claim (60/915,410 filed on 01 May 2007) made in the international application had been withdrawn in accord with the notice of withdrawal received from the applicant on 12 October 2009. *See* PCT Rule 90*bis*.3.

Pursuant to subsection (d) of Rule 90*bis*.2, where the withdrawal of the priority claim causes a change in the priority date, any time limit which is computed from the original priority

date and which has not expired, shall be computed from the priority date resulting from that change. In the instant case, the international filing date became the date from which the time limit would be computed. Since the international filing date was 1 May 2008, the thirty month period expired on *01 November 2010.* Applicant filed a request to enter the national stage in the U.S. on 31 August 2010, within the thirty month time period. Accordingly, the 20 September 2010 Notification of Abandonment is hereby **VACATED**.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The 30 September 2010 Notification of Abandonment (Form PCT/DO/EO/909) is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 31 August 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-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:	12/920,486	Filing date:	September 1, 2010
First Named Inventor:	Magnus Hasselqvist		
Title of the Invention:	NICKEL BASE GAMMA PRIME STRENGTHENED SUPERALLOY		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/052,341

The international date of the corresponding PCT application(s) is/are:

February 27, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/920,486
First Named Inventor:	Magnus Hasselqvist

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 1, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 1, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
18	1	US claim as per Preliminary Amendment filed 09/01/2010
19	2	US claim as per Preliminary Amendment filed 09/01/2010
20	3	US claim as per Preliminary Amendment filed 09/01/2010
21	4	US claim as per Preliminary Amendment filed 09/01/2010
22	5	US claim as per Preliminary Amendment filed 09/01/2010
23	6	US claim as per Preliminary Amendment filed 09/01/2010
24	7	US claim as per Preliminary Amendment filed 09/01/2010
25	8	US claim as per Preliminary Amendment filed 09/01/2010
26	9	US claim as per Preliminary Amendment filed 09/01/2010
27	10	US claim as per Preliminary Amendment filed 09/01/2010
28	10	US claim as per Preliminary Amendment filed 09/01/2010
29	11	US claim as per Preliminary Amendment filed 09/01/2010
30	11	US claim as per Preliminary Amendment filed 09/01/2010
31	13	US claim as per Preliminary Amendment filed 09/01/2010
32	16 (=14)	US claim as per Preliminary Amendment filed 09/01/2010
33	17 (=15)	US claim as per Preliminary Amendment filed 09/01/2010

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Tina Gonka/	Date May 02, 2011
Name (Print/Typed) Tina Gonka	Registration Number L0623

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/920,486	03/02/2011	Magnus Hasselqvist	2008P02248WOUS	5266

22116 7590 06/16/2011

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER	
ROE, JESSEE RANDALL	

ART UNIT	PAPER NUMBER
1733	

MAIL DATE	DELIVERY MODE
06/16/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 16 2011

BC

In re application of	:	DECISION ON REQUEST TO
HASSELQVIST, MAGNUS et al.	:	PARTICIPATE IN PATENT
Serial No. 12/920,486	:	PROSECUTION HIGHWAY
Filed: 09/01/2010	:	PROGRAM AND
For: NICKEL BASE GAMMA PRIME	:	PETITION TO MAKE SPECIAL
STRENGTHENED SUPERALLOY	:	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 May 2, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the IPA, JPO, KIPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/920,507	Filing date:	September 1, 2001
First Named Inventor:	Geert De Boer		
Title of the Invention:	COMPRESSOR UNIT		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/051960

The international date of the corresponding PCT application(s) is/are: February 19, 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 EPO AND THE USPTO

(continued)

Application No.:	12/920,507
First Named Inventor:	Geert De Boer

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 1, 2001

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 1, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
18	1	According to Preliminary Amendment filed Sept. 1, 2010
19	2	According to Preliminary Amendment filed Sept. 1, 2010
20	3	According to Preliminary Amendment filed Sept. 1, 2010
21	4	According to Preliminary Amendment filed Sept. 1, 2010
22	5	According to Preliminary Amendment filed Sept. 1, 2010
23	6	According to Preliminary Amendment filed Sept. 1, 2010
24	7	According to Preliminary Amendment filed Sept. 1, 2010
25	8	According to Preliminary Amendment filed Sept. 1, 2010
26	9	According to Preliminary Amendment filed Sept. 1, 2010
27	10	According to Preliminary Amendment filed Sept. 1, 2010
28	11	According to Preliminary Amendment filed Sept. 1, 2010
29	12	According to Preliminary Amendment filed Sept. 1, 2010
30	13	According to Preliminary Amendment filed Sept. 1, 2010
31	14	According to Preliminary Amendment filed Sept. 1, 2010
32	15	According to Preliminary Amendment filed Sept. 1, 2010
33	16	According to Preliminary Amendment filed Sept. 1, 2010
34	17	According to Preliminary Amendment filed Sept. 1, 2010

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Janet D. Hood/	Date February 11, 2011
Name (Print/Typed) Janet D. Hood	Registration Number 61,142

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/920,507	09/01/2010	Geert De Boer	2008P00800WOUS	5424

22116 7590 02/15/2011

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER	
HAMO, PATRICK	
ART UNIT	**PAPER NUMBER**
3746	

MAIL DATE	DELIVERY MODE
02/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of	:
DE BOER, GEERT	: DECISION ON REQUEST TO
Application No. 12/920,507	: PARTICIPATE IN PATENT
Filed: Sep. 1, 2010	: PROSECUTION HIGHWAY
Attorney Docket No 2008P00800WOUS	: PILOT PROGRAM AND PETITION
For: COMPRESSOR UNIT	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 11, 2011 to make the above-identified application special.

The request and petition are Granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Devon, Kramer, the SPE of Art Unit 3746 and (571)272-7118 for Class 417/228 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

10 SEP 2010

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Arkema Inc.
Patent Department - 26th Floor
2000 Market Street
Philadelphia, PA 19103-3222

In re Application of :
VAN HORN et al. :
Application No.: 12/920,522 :
PCT No.: PCT/US2009/034348 : DECISION ON PETITION
Int. Filing Date: 18 February 2009 : UNDER 37 CFR 1.137(b)
Priority Date: 29 February 2008 :
Attorney Docket No.: IR3922NP :
For: BLOCK COPOLYMER OIL RETURN AGENTS :

The petition to revive under 37 CFR 1.137(b) filed 01 September 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

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:	02240-290164	Application Number (if known):	Not Yet Assigned	Filing date: Concurrently Herewith
First Named Inventor:	Jonah D. Erlebacher			
Title:	POROUS METAL CATALYSTS FOR OXYGEN REDUCTION			

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	Henry J. Daley	Date 09/01/2010
Name (Print/Typed)	Henry J. Daley	Registration Number 42,459

***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 if more than one signature, see below*.*

☐ *Total of 1 forms are submitted.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/920,527	09/01/2010	Jonah D. Erlebacher	02240-290164	5757

26694 7590 05/13/2011

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER	
CULLEN, SEAN P	
ART UNIT	**PAPER NUMBER**
1725	
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

Commissioner for Patents
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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

5/13/11

In re Application of :
Erlebacher et al. : DECISION ON PETITION
Application No. 12/920,527 : TO MAKE SPECIAL UNDER
Filed: 9/1/2010 : THE GREEN TECHNOLOGY
Attorney Docket No. **02240-290164** : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/1/2010, 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 1725 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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MAILED

MAR 26 2012

OFFICE OF PETITIONS

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of:
Yamaoka et al.
Application No. 12/920,558
Filed: September 1, 2010
Attorney Docket No. 105633.62841US

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 17, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate; (if the claims were published in a language other than English);
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. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the JPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    d. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    e. Copies of the documents cited in the JPO office action, 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 Joan Olszewski at 571-272-7751.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/920,582	09/01/2010	Brent William Hoffman	TTEUS07032 / THMT-0128	6565

7590 06/17/2011

RUBEN ARSINIEGA
15 GLEN WILLOW CT.
GREER, SC 29650

EXAMINER	
ART UNIT	PAPER NUMBER
2821	
MAIL DATE	DELIVERY MODE
06/17/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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.
12/920,615	09/02/2010	Kazushi Uotani	1163-0826PUS1	6956

2292 7590 10/19/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
KEITH, JACK W	

ART UNIT	PAPER NUMBER
3663	

NOTIFICATION DATE	DELIVERY MODE
10/19/2011	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):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OCT 18 2011

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re application of
Uotani et al.
Application No. 12/920,615
Filed: September 2, 2010
For: NAVIGATION DEVICE

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 20, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(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

MB/MB: 10/17/11

United States Patent and Trademark Office

MAILED

NOV 04 2010

PCT LEGAL ADMINISTRATION

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Kenyon & Kenyon LLP
One Broadway
New York NY 10004

In re Application of :
Gross :
Application No.: 12/920,636 :
PCT No.: PCT/EP2009/001473 :
Int. Filing Date: 03 March 2009 : DECISION
Priority Date: 07 March 2008 :
Attorney Docket No.: 2565/236 :
For: Device And Method For Monitoring An Access :
To A Patient, In Particular A Vascular Access :
During An Extracorporeal Blood Treatment :

This is in response to the petition under 37 CFR 1.182 filed on 07 September 2010.

BACKGROUND

International application PCT/EP2009/001473 was filed on 03 March 2009, claimed an earlier priority date of 07 March 2008, and designated the United States. The International Bureau of WIPO transmitted a copy of the published international application to the USPTO on 11 September 2009. The period for payment of the basic national fee in the United States expired as of midnight on 07 September 2010. Applicants filed *inter alia* a basic national fee in 12/920,636 on 02 September 2010.

DISCUSSION

Review of the instant application file reveals that the Transmittal Letter (Form PTO-1390) filed on 02 September 2010 was directed toward the national stage under 35 U.S.C. 371 of "PCT/EP2009/001473," while the Electronic Acknowledgment Receipt dated 02 September 2010 shows that applicants indicated "PCT/US09/01473" was the subject of the submission. The substitute specification filed on 02 September 2010 sought to add a cross-reference to PCT/EP2009/001473, and the bibliographic information for this case resembles that for PCT/EP2009/001473, not PCT/US2009/0014739. For instance, PCT/EP2009/001473 has the same international filing date, priority date, title and applicant as shown on the Transmittal Letter. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

Petitioner has filed a petition under 37 CFR 1.182 which clarifies that PCT/EP2009/001473 was the international application intended to enter the national stage under 35 U.S.C. 371, and that the indication of "PCT/US09/01473" represented a "typographical mistake [which] was an inadvertent clerical error without any deceptive intent." Based on the totality of the evidence now of record, it would be appropriate to accept counsel's statements as to the identity of the international application intended to enter the national stage and as to the nature of the discrepancy.

The declaration filed on 20 October 2010 is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). In addition, review of the documents available at www.wipo.int

reveals that an acceptable declaration under PCT Rule 4.17(iv) was filed during the international phase.

DECISION

The petition is **GRANTED**, as described above.

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 **02 September 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-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:	12/920689	Filing date:	September 2, 2010
First Named Inventor:	Satoyoshi OYA et al.		
Title of the Invention:	ELECTRIC MOTOR		

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/JP2009/052780

The international date of the corresponding PCT application(s) is/are: February 18, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/920689
First Named Inventor:	Satoyoshi OYA et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	
2	2	
3	3	
4	4	
5	5	
6	6	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Douglas H. Goldhush/	Date 2011-06-29
Name (Print/Typed) Douglas H. Goldhush	Registration Number 33125

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/920,689	09/02/2010	Satoyoshi Oya	059278.00042	7430

32294 7590 07/26/2011

Squire, Sanders & Dempsey (US) LLP
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

EXAMINER	
LEUNG, QUYEN PHAN	

ART UNIT	PAPER NUMBER
2834	

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):

IPGENERALTYC@SSD.COM
SONIA.WHITNEY@SSD.COM

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Squire, Sanders & Dempsey (US) LLP
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA VA 22182-6212

In re Application of
OYA et al.
Application No.: 12/920,689
Filed: 02 September 2010
Attorney Docket No.: 059278.00042
For: ELECTRIC MOTOR

: 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 29 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has 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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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

NOV 22 2010

PCT LEGAL ADMINISTRATION

Bourque & Associates
Intellectual Property Attorneys, P.A.
835 Hanover Street
Suite 301
Manchester, NH 03104

In re Application of :
BRENSINGER et al. :
Application No.: 12/920,702 : DECISION ON PETITION
PCT No.: PCT/US2008/057682 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 20 March 2008 :
Priority Date: 20 March 2007 :
Attorney Docket No.: NEMO-012XX :
For: OUTDOOR EQUIPMENT

The petition to revive under 37 CFR 1.137(b) filed 02 September 2010 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the failure to comply with 35 USC §371 was unintentional" has been construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, Petitioner must immediately notify the Office of PCT Legal Administration of such error.

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
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUL 21 2011

PCT LEGAL ADMINISTRATION

Bourque & Associates
Intellectual Property Attorneys, P.A.
835 Hanover Street
Suite 301
Manchester, NH 03104

In re Application of: BRENSINGER et al.
Application No.: 12/920,702
PCT No.: PCT/US2008/057682
Int. Filing Date: 20 March 2008
Priority Date: 20 March 2007
Attorney Docket No.: NEMO-012XX
For: OUTDOOR EQUIPMENT

DECISION ON PETITION

This decision is issued in response to applicants' "Response to Notification of Defective Response" filed 19 May 2011. Applicants are notifying the Office that the name of the second inventor is Suzanne Turell as indicated on the Combined Declaration and Power of Attorney rather than Suzanne Turrell 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' 19 May 2011 submission states that the name of the second 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 second inventor's name is accepted as Suzanne Turell and noted for the record. The declaration/power of attorney filed 19 May 2011 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
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/920,762	09/02/2010	Makoto Akaishi	J-10-0402	7922

71799 7590 01/14/2011

Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER	
ART UNIT	PAPER NUMBER
2469	

NOTIFICATION DATE	DELIVERY MODE
01/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jackson.chen@necam.com
KENSAKU.SATO@NECAM.COM

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P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING TX 75039

In re Application of: AKAISHI, MAKOTO
Application No. 12/920,762
Filed: September 02, 2010
For: COMMUNICATION APPARATUS, DISTORTION-COMPENSATING CIRCUIT, AND DISTORTION COMPENSATION METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

MAILED

JAN 14 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(a), filed December 17, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in The 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 are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Chau Nguyen at 571-272-3126

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Chau Nguyen/

Chau Nguyen, Quality Assurance Specialist
Technology Center 2400

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/920,771	Filing date:	March 3, 2009
First Named Inventor:	Stefan H. Bossmann		
Title of the Invention:	PROTEASE ASSAY		

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/US09/35875

The international filing date of the corresponding PCT application(s) is/are: March 3, 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 KIPO AND THE USPTO

(continued)

Application No.:	12/920,771
First Named Inventor:	Stefan H. Bossmann

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)

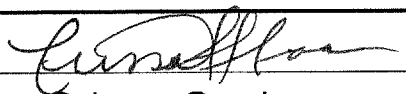
☑ Are attached.

☐ 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
1-2	1-2	Identical claims.
3	3	Identical claims except US claim dependency amended to depend from claim 1 only.
6	1	Claim 6 depends from and narrows claim 1, which is identical to allowable PCT claim 1.
9, 11, 14, 17-18	1	Claims indirectly depend from and narrow claim 1, which is identical to allowable PCT claim 1.
22	1	Claim 22 depends from and narrows claim 1, which is identical to allowable PCT claim 1.
23-24, 26	1	Claims indirectly depend from and narrow claim 1, which is identical to allowable PCT claim 1.
29, 33, 40-42, 57, 61, 68	1	Claims depend from and narrow claim 1, which is identical to allowable PCT claim 1.
69, 72-73, 75-76	1	Claims indirectly depend from and narrow claim 1, which is identical to allowable PCT claim 1.
78-85, 90-91, 93, 99	1	Claims indirectly depend from and narrow claim 1, which is identical to allowable PCT claim 1.
Box VIII observations		US claims are free from Box VIII observations. See attached statement.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date 6/3/11
Name (Print/Typed) Crissa Cook	Registration Number 64,054

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Docket No.: 40132
Bossmann et al.	Confirmation No.: 7968
Serial No.: 12/920,771	
Filing Date: March 3, 2009	Customer No.: 23589
PROTEASE ASSAY	Examiner:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR PARTICIPATION IN PCT-PPH BETWEEN KIPO AND UPSTO
STATEMENT REGARDING BOX NO. VIII

The observations in Box No. VIII of the Written Opinion regarding claims 7-12, 14, 18, 19, 23-28, 30, 34-38, 44, 46, 48, 58, 62, 63, 66, 69, 78, 80, 82-84, 86, 92, and 96-98 are inapplicable to U.S. patent prosecution practice. First, of these claims, only claims 9, 11, 14, 18, 23-24, 26, 69, and 78-80 remain pending in the U.S. application. Second, the multiple dependencies in the present application (which the KIPO deemed unsearchable) have already been removed via a Preliminary Amendment filed on September 2, 2010. Third, each of these claims finds verbatim support in the specification as originally filed, and/or constitutes its own support under 35 U.S.C. § 112 as being an original claim limitation. *In re Koller*, 613 F.2d 819, 204 U.S.P.Q. 702 (C.C.P.A. 1980) (original claims constitute their own description); *see also* M.P.E.P. § 2163. Thus, these claims are free of any observations described in Box VIII, and "sufficiently correspond" to the claims indicated as having novelty, inventive step, and industrial applicability in the Written Opinion (i.e., independent PCT claim 1), because they are narrower in scope than claim 1 and are written in dependent form.

Respectfully submitted,

By _____
Crissa A. Seymour Cook, Reg. No. 64,054
HOVEY WILLIAMS LLP
10801 Mastin Boulevard, Suite 1000
Overland Park, KS 66210
913-647-9050

ATTORNEYS FOR APPLICANT(S)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park KS 66210

MAILED
MAR 21 2012
OFFICE OF PETITIONS

In re Application of	**: DECISION ON REQUEST TO**
Stefan H. Bossmann et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/920,771	**: PROSECUTION HIGHWAY**
Filed: September 2, 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 40132	**: TO MAKE SPECIAL UNDER**
For: Protease Assay	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on June 3, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are Australia, Austria, China, EPO, Finland, JPO, Korea, NPI, Russia, Spain, Sweden and the 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 Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Thurman Page
Petitions Examiner
Office of Petitions

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
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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:	12/920,779	Filing date:	September 2, 2010
First Named Inventor:	Mark HANCOCK		
Title of the Invention:	An Assembly Tool and a Method of Manufacturing a Blade		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/052596

The international filing date of the corresponding PCT application(s) is/are: March 5, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
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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.:	12/920,779
First Named Inventor:	Mark HANCOCK

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 December 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
31	1	
32	2	
33	3	
34	4	
35	5	
36	6	
37	7	
38	8	
39	9	
40	10	
41	11	
42	12	
43	13	
44	14	
45	15	
46	16	
47	17	
48	18	
49 *	19 *	* See additional claims sheet

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Edward M. Weisz/	Date 2 December 2010
Name (Print/Typed) Edward M. Weisz	Registration Number 37,257

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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/920,779
First Named Inventor:	Mark HANCOCK

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 December 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
50	20	
51	21	
52	22	
53	23	
54	24	
55	25	
56	26	
57	27	
58	28	
59	29	
60	30	
61	31	
62	32	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Edward M. Weisz/	Date 2 December 2010
Name (Print/Typed) Edward M. Weisz	Registration Number 37,257

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.
12/920,779	11/24/2010	Mark Hancock	5789-197PUS	8032

27799 7590 03/23/2011

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER	
ART UNIT	PAPER NUMBER
1746	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EL

March 23, 2011

In re application of	:	DECISION ON REQUEST TO
Hancock, Mark	:	PARTICIPATE IN PATENT
Serial No. 12/920,779	:	PROSECUTION HIGHWAY
Filed: September 02, 2010	:	PROGRAM AND
For: **ASSEMBLY TOOL AND A METHOD**	:	PETITION TO MAKE SPECIAL
OF MANUFACTURING A BLADE	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed December 02, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial

applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

It is noted that the Written Opinion notes certain observations on the international applications, with Box VIII checked. The Written Opinion states, "[a]lthough claims 16 and 29 have been drafted as separate independent claims, they appear to relate effectively to the same subject matter. Claim 29 is considered as a repetition of subject matter previously claimed in claims 16 (in parts) and claim 17." However, upon review of the claims, it is found that claim 29 is not a repetition of the subject matter claimed in claims 16-17. Claim 29 is directed to a clamp, whereas, claims 16-17 are directed to a tool comprising a support structure for holding a spar and a clamp. Claim 29 and claims 16-17 differ in scope with one another. In the instant case, the observation indicated on the Written Opinion does not affect examination of the claims in U.S. practice.

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 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

Claims Correspondence Table

Pending Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-25	1-25	Claims 1-25 of the US application directly correspond to claims 1-25 of the PCT application, with amendment made only to remove multiple dependencies, where applicable, and are thus of the same or narrower scope than the patentable claims in the corresponding PCT application.
27	27	Claim 27 of the US application corresponds to claim 27 of the PCT application and includes all elements of claim 27 of the PCT application. Additionally, claim 27 of the US application has been narrowed in scope, relative to claim 27 of the PCT application, through the addition of a cavity, feed, and controller limitations.
51	27	Claim 51 of the US application corresponds to claim 27 of the PCT application and includes all elements of claim 27 of the PCT application. Additionally, claim 51 of the US application is of narrower scope, relative to claim 27 of the PCT application, through the addition of a cavity, feed, and controller limitations.
52	27	Claim 52 of the US application corresponds to claim 27 of the PCT application and includes all elements of claim 27 of the PCT application. Additionally, claim 51 of the US application is of narrower scope, relative to claim 27 of the PCT application, through the addition of a cavity, feed, and controller limitations.

53	5	Claim 53 of the US application corresponds to claim 5 of the PCT application and includes all elements of claim 5 of the PCT application. Additionally, claim 53 of the US application is of narrower scope, relative to claim 5 of the PCT application, through the addition of "wherein applying of the frequency/power pairs to heat the load is performed in accordance with different power levels associated with different sets of frequencies."
54	5	Claim 54 of the US application corresponds to claim 5 of the PCT application and includes all elements of claim 5 of the PCT application. Additionally, claim 54 of the US application is of narrower scope, relative to claim 5 of the PCT application, through the addition of "wherein applying of the frequency/power pairs to heat the load is performed by associating time duration with each transmitted set of frequencies."

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
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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:	12/920,782	Filing date:	September 2, 2010
First Named Inventor:	Alexander BILCHINSKY		
Title of the Invention:	DEVICE AND METHOD FOR HEATING USING RF ENERGY		

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/IL2009/001058

The international date of the corresponding PCT application(s) is/are: November 10, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	Not Yet Assigned
First Named Inventor:	Alexander BILCHINSKY

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 2, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 2, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-25	1-25	See attached Claims Correspondence Table
27	27	See attached Claims Correspondence Table
51	27	See attached Claims Correspondence Table
52	27	See attached Claims Correspondence Table
53	5	See attached Claims Correspondence Table
54	5	See attached Claims Correspondence Table

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Michael V. Young, Sr.	Date September 2, 2010
Name (Print/Typed) Michael V. Young, Sr.	Registration Number 61,180

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.
12/920,782	09/02/2010	Alexander Bilchinsky	11254.0022-00	8046

22852 7590 08/05/2011

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
08/05/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of:
BILCHINSKY, ALEXANDER, et al
Serial No.: 12/920782
Filed: 09/02/2010
Attorney Docket No. : 11254.0022-00
Title: DEVICE AND METHOD FOR HEATING USING RF ENERGY

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 September 2, 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 PCT applications filed in the IPAU, JPO, EPO, KIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/920,807	Filing date:	02 September 2010
First Named Inventor:	David K. Stroup		
Title of the Invention:	DEVICES, ASSEMBLIES, AND METHODS FOR CONTROLLING FLUID FLOW		

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/US2009/036088

The international date of the corresponding PCT application(s) is/are: 04 March 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/920,807
First Named Inventor:	David K. Stroup

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on 06 October 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 October 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-81	1-81	same claims

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Stephen C. Beuerle/	Date December 15, 2010
Name (Print/Typed) Stephen C. Beuerle	Registration Number 38,380

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/920,807	09/02/2010	David K. Stroup	115591-102US1	8284

27189 7590 12/17/2010

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

EXAMINER	
ART UNIT	PAPER NUMBER
3767	

NOTIFICATION DATE	DELIVERY MODE
12/17/2010	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@procopio.com
PTONotifications@procopio.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

In re Application of	:	
STROUP, DAVID K.	:	DECISION ON REQUEST TO
Application No. 12/920,807	:	PARTICIPATE IN PATENT
Filed: Sep. 2, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 115591-102US1	:	PROGRAM AND PETITION
Title: DEVICES, ASSEMBLIES, AND METHODS FOR CONTROLLING FLUID FLOW	:	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 Dec. 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 KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

With regard to Item #3, the applicant failed to submit a comparison between the current pending claims 82-101 and claims 1-81 from the KIPO or PCT Office action. In the claim comparison chart, petitioner indicates that claims 1-81 of the PCT claims correspond to the US claims 1-81. However, claims 1-81 were cancelled and new claims 82-101 were added in the Preliminary amendment filed of Sep. 2, 2010. The newly added claims 82-101 were not examined by the KIPO patent examiner.

With regard to Item #6, a list of prior cited by the KIPO or PCT search opinion is also not provided with the petition.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 13, 2012

In re Application of :

Christian Behrenbruch

Application No : 12920819

Filed : 19-Nov-2010

Attorney Docket No : TRUC-005/02US 309245-2088

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 2012

The request is **APPROVED.**

The request was signed by William S. Galliani (registration no. 33885) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Cusotmer Number 58249 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	The Regents of the University of California
Name2	
Address 1	1111 Franklin Street
Address 2	
City	Oakland
State	CA
Postal Code	94607-5200
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	12920819
Filing Date	19-Nov-2010
First Named Inventor	Christian Behrenbruch
Art Unit	3715
Examiner Name	XUAN THAI
Attorney Docket Number	TRUC-005/02US 309245-2088
Title	APPARATUS AND METHOD FOR IMPLEMENTING A MOBILITY AID DEVICE

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 58249

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	The Regents of the University of California
Address	1111 Franklin Street
City	Oakland
State	CA
Postal Code	94607-5200
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Wenderoth, Lind & Ponack L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

MAILED
OCT 14 2011
PCT LEGAL ADMINISTRATION

In re Application of
TANAKA et al.
Application No.: 12/920,852
PCT No.: PCT/JP2009/056642
Int. Filing Date: 30 September 2009
Priority Date: 01 October 2008
Attorney Docket No.: 2010_1236A
For: REPRODUCTION DEVICE

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is issued in response to applicant's "Petition under 37 CFR 1.181 for Withdrawal of Notice of Abandonment" filed 09 August 2011. No petition fee is due.

BACKGROUND

On 30 September 2009, applicant filed international application PCT/JP2009/056642 which claimed a priority date of 01 October 2008. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 01 April 2011.

On 03 September 2010, applicant filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 12 October 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497. The notification set a time limit of two (2) months or 32 months from the priority date in which to respond.

On 04 August 2011, the United States Elected Office mailed a Notification of Abandonment under 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements mailed 12 October 2010 within the time period set therein.

On 09 August 2011, applicants filed the present petition under 37 CFR 1.181.

On 30 August 2011, applicant filed the present response accompanied by: an executed declaration and power of attorney; a request for a three-month extension of time; and the surcharge under 37 CFR 1.492(e).

DISCUSSION

Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, or at midnight on 01 April 2011. Applicant submitted the basic national fee; an English translation of the international application; and a copy of the international application stage papers on 03 September 2010. Because all the requirements under 35 U.S.C. 371(c) had not been met, national stage processing should not have commence until the expiration of 30 months from the priority date, 01 April 2011. Accordingly, the time period set to respond in the Notification of Missing Requirements expired on 01 June 2011.

The 30 August 2011 submission is accompanied by a request for an extension of time, executed declaration and power of attorney, and surcharge under 37 CFR 1.492(h). This reply is a timely response to the Notification of Missing Requirements (PCT/DO/EO/905) dated 12 October 2010.

The Notification of Abandonment mailed 04 August 2011, based as it was on applicant's purported failure to file a timely response to the Notification of Missing Requirements, is appropriately vacated. A review of the declaration attached to the petition confirms that the declaration is in compliance with 37 CFR 1.497.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 04 August 2011 is hereby **VACATED**.

A review of the application papers reveals that applicant completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 30 September 2009 and a date of **30 August 2011** under 35 U.S.C. 371.

The Notification of Acceptance and Official Filing receipt mailed 08 September 2011 remain in effect.

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
Fax: 571-272-0459

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
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Konomi Takeshita
Eight Penn Center, Suite 1300,
1628 John F. Kennedy Blvd.
Philadelphia PA 19103

MAILED

NOV 02 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
UMEZU et al	:	
Application No.: 12/920,871	:	
PCT No.: PCT/JP2007/054033	:	
Int. Filing Date: 02 March 2007	:	PETITION UNDER
Priority Date: 03 March 2006	:	
Attorney's Docket No.: Y10S017PCT-US	:	
For: SURGICAL OPERATION TRAINING DEVICE	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 03 September 2010.

BACKGROUND

On 02 March 2007, this international application was filed, claiming an earliest priority date of 03 March 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 03 September 2008. This international application became abandoned with respect to the United States at midnight on 03 September 2008 for failure to pay the required basic national fee.

On 03 September 2010, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Konomi Takeshita
Eight Penn Center, Suite 1300,
1628 John F. Kennedy Blvd.
Philadelphia PA 19103

MAILED
APR 12 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
PARK et al	:	
Application No.: 12/920,871	:	
PCT No.: PCT/JP2007/054033	:	
Int. Filing Date: 02 March 2007	:	REQUEST UNDER
Priority Date: 03 March 2006	:	
Attorney's Docket No.: Y10S017PCT-US	:	
For: SURGICAL OPERATION TRAINING DEVICE	:	37 CFR 1.497(d)

This is a decision on applicants' "RESPONSE TO NOTIFICATION OF MISSING ... UNDER 37 CFR 1.497(d)" filed on 14 February 2011, deleting co-inventors, Mitsuo UMEZU and Dai HOMMA in the executed declaration. The $130.00 processing fee has been provided.

BACKGROUND

In a decision from this Office on 02 November 2010, the petition under 37 CFR 1.137(b) filed on 03 September 2010 was granted.

On 15 November 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" 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 14 February 2011, petitioner filed, inter alia, a request under 37 CFR 1.497(d) to remove Mitsuo UMEZU and Dai HOMMA from the executed declaration.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(I); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (2) under 37 CFR 1.497(d) but not item (3).

With respect to item (1), the statements submitted on 14 February 2011 by Mitsuo UMEZU and Dai HOMMA are sufficient because the statements state that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been charged to Deposit Account No.: 50-2270.

With respect to item (3), Waseda University, 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, applicants must submit a copy of the executed assignment or specify the reel and frame number. In addition, the person who signs on behalf of the assignee must have either apparent authority because of the title is of President or similar or has authority to act on behalf of the assignee. Note MPEP 1820, and 37 CFR 3.73(b).

Accordingly, the request does not meet the requirements under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this request is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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MAILED

JUN 28 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
PARK et al	:	
Application No.: 12/920,871	:	
PCT No.: PCT/JP2007/054033	:	
Int. Filing Date: 02 March 2007	:	REQUEST UNDER
Priority Date: 03 March 2006	:	
Attorney's Docket No.: Y10S017PCT-US	:	
For: SURGICAL OPERATION TRAINING DEVICE	:	37 CFR 1.497(d)

This is a decision on applicants' "RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 02 May 2011.

BACKGROUND

In a decision from this Office mailed on 12 April 2011, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 02 May 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 Waseda University currently has no ownership rights to the described in aforementioned application.

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.

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MAR 15 2011

PCT LEGAL ADMINISTRATION

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In re Application of
BINTI HARUM et al.
U.S. Application No.: 12/920,882
PCT No.: PCT/JP2009/000654
International Filing Date: 18 February 2009
Priority Date: 06 March 2008
Attorney's Docket No.: 040748-10103
For: RADIO BASE STATION, RADIO TERMINAL DEVICE, RADIO RELAY STATION DEVICE, TRANSMISSION POWER CONTROL METHOD, RADIO COMMUNICATION RELAY METHOD, AND RADIO COMMUNICATION SYSTEM

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Response to Notification of Missing Requirements" filed 08 December 2010 which is being treated as a Petition under 37 CFR 1.182, as explained below. The response (petition) seeks to correct the name of first inventor. The required $400 petition has been charged to Deposit Account no. 04-1061.

BACKGROUND

On 03 September 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee; a copy of the international application; an executed declaration; and a preliminary amendment.

On 08 October 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration filed 29 January 2009 was not executed in accordance with 37 CFR 1.497(a)-(b) and does not properly identify the first inventor. The notification set a two-month time limit in which to respond.

On 08 December 2010, applicants filed "Response to Notification of Missing Requirements" considered herein.

DISCUSSION

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.

In the published international application, the first inventor was identified as Bintu Harum Norharyati. On the declaration filed 03 September 2010, this inventor was identified as Norharyati Bintu Harum. Applicants state that the error was due to a "typographical error in the international application." However, applicant's transposition of the inventor's name is not considered a "typographical or transliteration error." Accordingly, in order to correct the name of record for this inventor to correspond with the name listed on the declaration, a grantable petition under 37 CFR 1.182 is required. Under the present circumstances, such a petition requires payment of the applicable $400 petition fee and a statement confirming the correct name of the inventor.

Here, applicants' submission included the authorization to charge counsel's Deposit Account No. 04-1061 for required fees. The petition also confirms that the incorrect identification of the inventor as Bintu Harum Norharyati in the international application was the result of an error during the international phase.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct the name of record for the inventor from Bintu Harum Norharyati to Norharyati Bintu Harum is GRANTED.

In view of this correction, the executed declaration filed 03 September 2010 is now acceptable in compliance with 37 CFR 1.497. This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 13 2011

PCT LEGAL ADMINISTRATION

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

In re Application of	:	
LEWIS et al.	:	DECISION ON
Serial No.: 12/920,893	:	
PCT No.: PCT/GB09/00623	:	PETITION
Int. Filing Date: 06 March 2009	:	
Priority Date: 10 March 2008	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: 6468-00200	:	
For: DYNAMIC CURRENCY CONVERSION SYSTEM AND METHOD	:	

This decision is in response to applicant's "Petition under 37 CFR 1. 47(a)" filed 11 March 2011 in the United States Patent and Trademark Office (USPTO) requesting acceptance of the application without the signature of nonsigning inventor GARETH LEWIS. Applicant's request for two month extension of time is granted.

BACKGROUND

On 06 March 2009, applicant filed international application PCT/GB09/00623. The application claimed a priority date of 10 March 2008, and it designated the United States.

On 03 September 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 12 November 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 11 March 2011, a response to the Notification Of Missing Requirements was filed. The response included request for extension of time and the "Petition Under 37 CFR §1.47(a)" considered herein. The petition requests acceptance of the application without the signature of inventor of record GARETH LEWIS, 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 petition fee of $200. Item (1) is satisfied.

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal states:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition

> or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

Petitioner submitted a statement from attorney Ian Harris, with supporting documents. Mr. Harris' statement indicates that on 20 January 2011, he caused a declaration to be sent to the nonsigning inventor at his last known address. Delivery apparently occurred on 25 January 2011. However, a complete copy of the application papers (including specification, claims, drawings) was not included with this mailing.

Mr. Harris' letter dated 02 March 2011 indicates that a copy of the PCT application was forwarded to the nonsigning inventor (a copy was attached to the petition as Exhibit 5). 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 is required. Here, proof of delivery of the letter and its contents was not attached to the first hand statement of facts. Such proof of delivery is necessary in order to conclude that the nonsigning inventor was presented with a copy of the application papers and refuses to sign the application papers. These materials are necessary to provide an acceptable showing that the non-signing inventor has refused to execute the application. [1] Item (2) is not yet 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 nonsigning inventor by the joint inventors. As applicant was previously advised, the declarations provided do not identify the application to which it is directed; thus, the declaration is not in compliance with 37 CFR 1.497(a) and (b). Item (4) is therefore not satisfied.

In sum, Items (1) and (3) are satisfied. As set forth above, Items (2) and (4) are not yet satisfied. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition

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[1] Mr. Harris also attached copies of letters of Australian attorney Damon Henshaw, whom Mr. Harris employed to help contact the non-signing inventor. While letters from Mr. Henshaw to Mr. Lewis (02 March 2011) and to Mr. Harris (09 and 11 March 2011) were attached to the Mr. Harris' first hand statement of facts, a statement of first hand knowledge from Mr. Henshaw and Mr. Leslie regarding their personal attempts to contact the non-signing inventor was not provided. These statements would be required if petitioner intends to rely on these attempts to conclude that the nonsigning inventor refuses to sign the application papers.

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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UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 19 2011

PCT LEGAL ADMINISTRATION

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

In re Application of	:	
LEWIS et al.	:	DECISION ON
Serial No.: 12/920,893	:	
PCT No.: PCT/GB09/00623	:	PETITION
Int. Filing Date: 06 March 2009	:	
Priority Date: 10 March 2008	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: 6468-00200	:	
For: DYNAMIC CURRENCY CONVERSION SYSTEM AND METHOD	:	

This decision is in response to applicant's "Renewed Petition under 37 CFR 1. 47(a)" filed 12 August 2011 in the United States Patent and Trademark Office (USPTO) requesting acceptance of the application without the signature of nonsigning inventor GARETH LEWIS.

BACKGROUND

The procedural history of this application was set forth in the decision mailed 13 June 2011 and is hereby incorporated by reference. The renewed petition requests acceptance of the application without the signature of inventor of record GARETH LEWIS, whom petitioner asserts has refused to execute the application.

DISCUSSION

As previously stated, 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) and (3).

Regarding item (2), Petitioner submitted a statement from patent attorney Damon Henshaw. According to Mr. Henshaw, on 11 March 2011, Mr. Lewis called Mr. Henshaw. Mr. Lewis confirmed that he had received the earlier correspondence, that he had severed all ties

with his former employer and that he had no intent to sign the declaration. Mr. Lewis stated "unambiguously that he refused to sign the Declaration". Thus, it can be concluded that the nonsigning inventor was presented with a copy of the application papers and refuses to sign the application papers. Item (2) is satisfied.

Regarding item (4), the renewed petition was accompanied by three complete declarations signed on behalf of the nonsigning inventor by the joint inventors. The declarations provided identify the application to which they are and are in compliance with 37 CFR 1.497(a) and (b). Item (4) is 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 12 August 2011. The application has an international filing date of 06 March 2009 under 35 U.S.C. 363, and a date of 12 August 2011 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 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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OCT 19 2011

PCT LEGAL ADMINISTRATION

GARETH LEWIS
26 ARTHUR STREET
DEE WHY, SYDNEY
NSW 2099
AUSTRALIA

In re Application of
LEWIS et al.
Serial No.: 12/920,893
PCT No.: PCT/GB09/00623
Int. Filing Date: 06 March 2009
Priority Date: 10 March 2008
Atty Docket No.: 6468-00200
For: DYNAMIC CURRENCY CONVERSION SYSTEM AND METHOD

Dear Mr. Lewis:

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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NOV 22 2010

PCT LEGAL ADMINISTRATION

In re Application of
MORIKAWA *et al*
U.S. Application No.: 12/920,925
PCT No.: PCT/JP2009/054205
Int. Filing Date: 05 March 2009
Priority Date: 07 March 2008
Docket No.: 15491-000022/US/NP
For: PLASMA PROCESSING METHOD

DECISION

This is a decision on the paper titled "Petition to Accept Changes to Joint Inventor Data (37 C.F.R. § 1.181)" filed 22 September 2010.

BACKGROUND

On 03 September 2010, applicants filed papers to enter the national stage of PCT/JP2009/054205 which was accompanied by, *inter alai*, an executed declaration. The second-named inventor was listed as Koukou SUU on the declaration. The international publication (WO 2009/110567) recorded the name as Koukou SU.

On 22 September 2010, applicants filed the subject response.

DISCUSSION

In the subject response, applicants' state that "[t]he second joint inventor's name, Koukou SUU, was incorrectly spelled in the priority international application (PCT/JP2009/054205 dated March 5, 2009) as Koukou SU. This error occurred without deceptive intent."

Section 1893.01(e) of the Manual of Patent Examining Procedure (MPEP) states that where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.182 is not required. In such case, the Office should simply be notified of the error[1].

[1] It is noted that no fee is required with this response. Therefore, the $130.00 fee paid has been credited back to Deposit Account No. 08-0750.

Applicants' explanation meets the requirements of the MPEP. A typographical error was made in the international application with regards to the last name of the inventor, Koukou SUU.

Concerning applicants' claim that the second joint inventor's nationality was also incorrectly identified in the international application as "CN." Applicants' state that the correct nationality of Koukou SUU is "JP."

A review of the international publication shows that the nationality of Koukou Suu is listed as "JP." No change in nationality is required.

CONCLUSION

The second named inventor's is recognized as Koukou SUU.

The declaration filed 03 September 2010 is deemed to be in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 12 2010

PCT LEGAL ADMINISTRATION

Commissioner for Patents
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In re Application of :
SEO et al. :
Application No. 12/920,982 :
PCT No.: PCT/KR2009/001101 :
Int. Filing Date: 05 March 2009 : DECISION ON PETITION
Priority Date: 06 March 2008 :
Attorney Docket No.: 1004033-00009 :
For: PHOTOVOLTAIC CELL ASSEMBLY

This decision is issued in response to applicants' "Request for Withdrawal of Petition under 37 CFR 1.182 and Request for Refund" filed 09 September 2010.

On 03 September 2010, applicants filed "Petition under 37 CFR 1.182" and the required petition fee. Subsequently, applicants filed "Request for Withdrawal of Petition under 37 CFR 1.182 and Request for Refund" and requested a refund of the petition fee.

Applicants' request for withdrawal of the "Request for Withdrawal of Petition under 37 CFR 1.182 and Request for Refund" is acknowledged and the $400 petition under 37 CFR 1.17(f) will be refunded to Deposit Account no. 50-4459.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/920,986	09/03/2010	Takeshi Yamakawa	NEX-33904	9431

97379 7590 05/02/2011

Rankin, Hill & Clark LLP
23755 Lorain Road, Suite 200
North Olmsted, OH 44070

EXAMINER	
DECADY, ALBERT	
ART UNIT	PAPER NUMBER
2121	
NOTIFICATION DATE	DELIVERY MODE
05/02/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ishihara@rankinhill.com
crockett@rankinhill.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

RANKIN, HILL & CLARK LLP
23755 Lorain Road, Suite 200
North Olmsted OH 44070

In re Application of:
YAMAKAWA, Takeshi et al.
Application No. 12/920,986
Filed: September 3, 2010
For: **CONTROL SYSTEM, OSCILLATION CONTROL DEVICE, AND CONTROL SIGNAL GENERATION METHOD**

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 20, 2010, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 8(a)-10(c), 12(a), 12(b) and 14(a)-15(b) 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 the amendment filed September 20, 2010 to the specification contains the required notification described above. Furthermore, color drawing Figures 8(a)-10(c), 12(a), 12(b) and 14(a)-15(b) were filed EFS-Web, therefore, applicant is required to file only one set of drawings. See 74 Federal Register Notice 55200 (October 27, 2009).

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
(571) 272-1732

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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ROPES & GRAY, LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON, MA 02199-3600

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of
Mahesh Kandula, et. al.
Application No. 12/920,999
Filed: May 2, 2011
Attorney Docket No. IGPI-010-301

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed September 30, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that David P. Pleynet and the attorneys/agents associated with Customer Number 28120 do not have power of attorney in this patent application, but may have been employed or otherwise engaged in the proceedings in this patent application.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a

practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer umber Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

Additionally, the request cannot be approved because the requested change in the correspondence address is improper.

The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). However, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b)[1] with the current assignee information of record in the present application, and since the current address information for the first named inventor was not provided, the Office cannot change the correspondence address to the address listed in the Request to Withdraw.

In view of the above, all future communications from the Office will continue to be directed to the above-listed address unless otherwise notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: IndiGENE Pharmaceuticals Inc.
115 Flanders Road
Metrowest Business Park
Westborough, MA 01581

[1] See USPTO Form No. PTO/SB/96.

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	12921006
Filing Date	24-Jan-2011
First Named Inventor	Ray Exley
Art Unit	1627
Examiner Name	DEIRDRE CLAYTOR
Attorney Docket Number	089787-1301
Title	TREATMENT OF HERPES VIRUS RELATED DISEASES

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 88984

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Ray W. Exley
Address	9504 High Ridge Place
City	Beverly Hills
State	CA
Postal Code	90210
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Swiss, Gerald/
Name	Swiss, Gerald
Registration Number	30113

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : November 4,2011

In re Application of :

Ray Exley

Application No : 12921006

Filed : 24-Jan-2011

Attorney Docket No : 089787-1301

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 4,2011

The request is **APPROVED.**

The request was signed by Swiss, Gerald (registration no. 30113) on behalf of all attorneys/agents associated with Customer Number 88984 . All attorneys/agents associated with Cusotmer Number 88984 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	Ray W. Exley
Name2	
Address 1	9504 High Ridge Place
Address 2	
City	Beverly Hills
State	CA
Postal Code	90210
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: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/921,044	Filing date:	September 3, 2010
First Named Inventor:	Christian Herzig		
Title of the Invention:	Method For Producing Silicone Polyethers		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/052479

The international filing date of the corresponding PCT application(s) is/are: March 3, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12921044
First Named Inventor:	Christian Herzig

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on November 18, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on November 18, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
8	1	Rewritten in U.S. Format
9	2	Rewritten in U.S. Format
10	3	Rewritten in U.S. Format and to eliminate multiple dependencies
11	3	Rewritten in U.S. Format and to eliminate multiple dependencies
12	4	Rewritten in U.S. Format and to eliminate multiple dependencies
13	4	Rewritten in U.S. Format and to eliminate multiple dependencies
14	4	Rewritten in U.S. Format and to eliminate multiple dependencies
15	4	Rewritten in U.S. Format and to eliminate multiple dependencies
16	5	Rewritten in U.S. Format and to eliminate multiple dependencies
17	5	Rewritten in U.S. Format and to eliminate multiple dependencies
18	5	Rewritten in U.S. Format and to eliminate multiple dependencies
19	6	Rewritten in U.S. Format and to eliminate multiple dependencies
20	7	Rewritten in U.S. Format and to eliminate multiple dependencies

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /William G. Conger/	Date February 28, 2011
Name (Print/Typed) William G. Conger	Registration Number 31209

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/921,044	09/03/2010	Christian Herzig	WAS1088PUSA	9733

22045 7590 04/26/2011

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER	
DOLLINGER, MICHAEL M	
ART UNIT	PAPER NUMBER
1766	

MAIL DATE	DELIVERY MODE
04/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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CT

April 25, 2011

In re application of	:	DECISION ON REQUEST TO
Christian Herzig	:	PARTICIPATE IN PATENT
Serial No. 12/921,044	:	PROSECUTION HIGHWAY
Filed: September 3, 2010	:	PROGRAM AND
For: METHOD FOR PRODUCING	:	PETITION TO MAKE SPECIAL
SILICONE POLYETHERS	:	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 March 2, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial

applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/921,052	09/03/2010	Jesus Hormigo Cebolla	2004-004	9767

96056 7590 11/09/2010

Florek & Endres PLLC
1156 Avenue of the Americas
Suite 600
New York, NY 10036

EXAMINER	
ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
11/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Florek & Endres PLLC
1156 Avenue of the Americas
Suite 600
New York NY 10036

In re Application of	:
HORMIGO CEBOLLA, JESUS et al	: DECISION ON REQUEST TO
Application No. 12/921,052	: PARTICIPATE IN PATENT
Filed: Sep. 3, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. 2004-004	: PILOT PROGRAM AND PETITION
For: MEDIA SYSTEM AND METHOD	: 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 November 3, 2010 to make the above-identified application special.

The request and petition are Dismissed.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application 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.

The request to participate in the PPH program and petition met all conditions except Item #5 above.

The International Search Report filed on March 31, 2009 does not include any positive Opinion as to the patentability of the claims 1-13. The international Search Opinion showing the patentability of claims 1-13 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

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.
12/921,052	09/03/2010	Jesus Hormigo Cebolla	2004-004	9767

96056 7590 11/23/2010

Florek & Endres PLLC
1156 Avenue of the Americas
Suite 600
New York, NY 10036

EXAMINER	
ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Florek & Endres PLLC
1156 Avenue of the Americas
Suite 600
New York NY 10036

In re Application of	:
HORMIGO CEBOLLA, JESUS et al	: DECISION ON REQUEST TO
Application No. 12/921,052	: PARTICIPATE IN PATENT
Filed: Sep. 3, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. 2004-004	: PILOT PROGRAM AND PETITION
For: MEDIA SYSTEM AND METHOD	: 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 November 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 JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to David Lewis, the SPE of Art Unit 3714, and (571)272-7673 for Class 463/4 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
www.uspto.gov

KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY UT 84111

MAILED
JUN 14 2011
OFFICE OF PETITIONS

In re Application of :
Beevers et al. :
Application Number: 12/921,089 : DECISION ON PETITION
Filing or 371(c) Date: 11/19/2010 :
Attorney Docket Number: 7881.72 :

This is a decision on the petition under 37 CFR 1.182, filed on May 5, 2011, to change the name of the third-named inventor from "Lauren Calloway" to — Lauren Elizabeth Tidball --.

The petition is **GRANTED**.

Office records were previously updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Receipt of the fee set forth at § 1.17(f) is acknowledged.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3231. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3773 for examination in due course.

Douglas Wood
Senior Petitions Attorney
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
12/921,089	11/19/2010	3773	1526	7881.72	28	3

CONFIRMATION NO. 1059

CORRECTED FILING RECEIPT

21999
KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY, UT 84111

Date Mailed: 06/14/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

David Beevers, Yorkshire, UNITED KINGDOM;
Atif Mostafa Abdel-Kader Nada, South Wales, UNITED KINGDOM;
Lauren Elizabeth Tidball, Yorkshire, UNITED KINGDOM;

Assignment For Published Patent Application

XIROS LIMITED, Yorkshire, GB

Power of Attorney: The patent practitioners associated with Customer Number 21999

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/GB09/50214 03/04/2009

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.)
UNITED KINGDOM 0804018.0 03/04/2008

If Required, Foreign Filing License Granted: 11/20/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/921,089**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

IMPLANTABLE PROSTHETIC CORD

Preliminary Class

606

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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P.O. Box 1450
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EUGENIA S. HANSEN
HEMINGWAY & HANSEN, LLP
COMERICA BANK TOWER, SUITE 2500
1717 MAIN STREET
DALLAS, TX 75201

MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Application of

Solomon B. Margolin, et al.
Application No. 12/921,107
Filed: 00/00/0000
Attorney Docket No. SOLA 00102 PTUS

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 Shiri Giri. 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 Technology Center.

The application is being referred back to the Office of Patent Application Processing for pre-examination processing. This application will be accorded "special" status once pre-examination processing is complete.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

JUN 22 2011

PCT LEGAL ADMINISTRATION

KILPATRICK TOWNSEND & STOCKTON LLP
ONE MARKET, SPEAR STREET TOWER
SAN FRANCISCO CA 94105

In re Application of NEL et al.
Application No.: 12/921,113
PCT Appl No.: PCT/US09/35900
Int'l Filing Date: 03 March 2009
Priority Date: 04 March 2008
Attorney Docket No.: 02307K-187910US
For: REVERSING THE IMMUNE DECLINE OF AGING BY NUTRACEUTICAL ANTI-OXIDANT IN MICE

: DECISION ON PETITION
: UNDER 37 CFR 1.47(a)

This is a decision on applicant's petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor KIM HYON-JEEN filed in the United States Patent and Trademark Office (USPTO) on 22 April 2011. Applicant's request for a five month extension of time is granted.

BACKGROUND

On 03 September 2010, applicant filed a transmittal letter requesting U.S. national stage entry of international application PCT/US09/35900.

On 18 October 2010, a Notification to Missing Requirements was mailed to applicant indicating, *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), was required.

On 22 April 2011, applicant filed the instant petition along with 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 HYON-JEEN KIM alleging that the inventor refuses to sign the application papers.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Petitioner satisfied Item (1) with the payment of the petition fee. Item (3) is satisfied because the last known address for the non-signing inventor was provided. Item (4) is satisfied with the submission of the declaration executed in compliance with 37 CFR 1.497(a) and (b).

With respect to Item (2) above, Section 409.03(d) of the Manual of Patent Examining

Procedure (MPEP), Proof of Unavailability or Refusal, states, in pertinent 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 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.)

Here, a statement of facts by counsel of record was provided. On 24 February 2011, Jennifer Black, paralegal to Ms. Parent, mailed Ms. Parent's correspondence to the last known address of non-signing inventor KIM. The statement of Jennifer Black was not attached to the petition. A copy of the correspondence was attached to the petition and indicated that a complete copy of the application papers, that is, specification, including claims and drawings, and an oath or declaration, for his signature was provided. The correspondence was sent via the U.S. Postal Service as a certified mailing. The correspondence was marked "unclaimed" and returned on 26 February 2011. Thus, the correspondence was not presented to the nonsigning inventor. Ms. Parent concludes that the nonsigning inventor Kim cannot be found or reached after diligent effort.

MPEP Section 409.03(d) also provides guidance 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 first-hand 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.

As set forth above, where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for the petition under 37 CFR 1.47(a), Petitioner should provide a first hand statement of facts under 37 CFR 1.47(a) detailing the exact facts which are relied upon to show that the inventor is unavailable and what efforts were made to find or reach him. Petitioner does not detail in a first hand statement of facts any diligent efforts made to locate the nonsigning inventor through Internet people locator searches, contact with the joint inventor to obtain the nonsigning inventor's current address, a forwarding address or current email address and/or current employer. No attempt to reach the nonsigning inventor by telephone was made. No request from the Postal Service for his forwarding address was made. Copies of the Internet searches should accompany the first hand statement. It cannot be concluded at this time that the nonsigning inventor refuses or is unavailable to sign the application. Petitioner has not satisfied Item (2). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

OCT 20 2011

PCT LEGAL ADMINISTRATION

KILPATRICK TOWNSEND & STOCKTON LLP
ONE MARKET, SPEAR STREET TOWER
SAN FRANCISCO CA 94105

In re Application of NEL et al.
Application No.: 12/921,113
PCT Appl No.: PCT/US09/35900
Int'l Filing Date: 03 March 2009
Priority Date: 04 March 2008
Attorney Docket No.: 02307K-187910US
For: REVERSING THE IMMUNE DECLINE OF AGING BY NUTRACEUTICAL ANTI-OXIDANT IN MICE

: DECISION ON PETITION
:
: UNDER 37 CFR 1.47(a)

This is a decision on applicant's renewed petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor KIM HYON-JEEN filed in the United States Patent and Trademark Office (USPTO) on 18 August 2011.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 18 August 2011 and is hereby incorporated by reference. The renewed petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requests the acceptance of the application without the signature of inventor HYON-JEEN KIM alleging that the inventor refuses to sign the application papers.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Petitioner previously satisfied Item (1), (3) and (4).

With respect to Item (2) above, a statement of facts by Jennifer Black, paralegal to Ms. Parent, was submitted. Ms. Black mailed Ms. Parent's correspondence to the last known address of non-signing inventor KIM. A copy of the correspondence was attached to the petition and indicated that a complete copy of the application papers, and a declaration, for her signature was provided. The correspondence was sent via the U.S. Postal Service as a certified mailing. On 26 February 2011, the correspondence was returned, marked "unclaimed". Thus, the correspondence was not presented to the nonsigning inventor. On 17 August 2011, Ms. Black conducted an internet search for Hyon-Jeen Kim without success. A copy of the internet search results were attached to her statement. Ms. Black also contacted the United States Postal Service to obtain a forwarding address for inventor Kim, without success. The statement of facts and documentary evidence support a finding that a diligent effort was made to locate the nonsigning

inventor. It can now be concluded that the nonsigning inventor refuses or is unavailable to sign the application. Petitioner has satisfied Item (2).

Items (1)-(4) have been 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 declaration filed 22 April 2011. The application has an international filing date of 03 March 2009 under 35 U.S.C. 363, and a date of 22 April 2011 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 respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M .Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

OCT 20 2011

PCT LEGAL ADMINISTRATION

HYON-JEEN KIM
1035 HARVARD BLVD.
LOS ANGELES, CA 90006

In re Application of NEL et al.
Application No.: 12/921,113
PCT Appl No.: PCT/US09/35900
Int'l Filing Date: 03 March 2009
Priority Date: 04 March 2008
Attorney Docket No.: 02307K-187910US
For: REVERSING THE IMMUNE DECLINE OF AGING BY NUTRACEUTICAL ANTI-OXIDANT IN MICE

Dear Dr. 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

KILPATRICK TOWNSEND & STOCKTON LLP
ONE MARKET, SPEAR STREET TOWER
SAN FRANCISCO CA 94105

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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In re Application of
Forrest James Brown

Application No. 12921124

Filed: September 3,2010

Attorney Docket No. 300047-00001US

:
:
:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 03-NOV-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12921124
Filing Date	03-Sep-2010
First Named Inventor	Forrest Brown
Art Unit	2821
Examiner Name	HOANGANH LE
Attorney Docket Number	300047-00001US
Title	MODIFIED LOOP ANTENNA

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
(4) Statement that the entire delay was unintentional.

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☒ Applicant(s) status remains as SMALL ENTITY.

☐ Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee are not due.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

◉ Drawing corrections and/ or other deficiencies are not required

○ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on

○ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.

○ A joint inventor; all of whom are signing this e-petition.

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Timothy D. Casey/
Name	Timothy D. Casey
Registration Number	33124

UNITED STATES 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 : March 1, 2012

In re Application of :

Forrest Brown

Application No : 12921124

Filed : 03-Sep-2010

Attorney Docket No : 300047-00001US

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed March 1, 2012 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

DEC 03 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
PODACK et al	:	
Application No.: 12/921,151	:	
PCT No.: PCT/US2009/01330	:	
Int. Filing Date: 03 March 2009	:	PAPERS FILED
Priority Date: 03 March 2008	:	
Attorney's Docket No.: GRT-4052-419	:	
For: ALLOGENEIC CANCER CELL-BASED	:	
IMMUNOTHERAPY	:	UNDER 37 CFR 1.42

This is a decision on the declaration filed 03 September 2010, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 03 September 2010, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and an executed declaration as required by 35 U.S.C. 371(c)(4) but signed by two of the three co-inventors.

The declaration filed is signed by co-inventors Eckhard R. PODACK and Joseph D. ROSENBLATT but without the signature of co-inventor Koichi YAMAZAKI (now deceased).

DISCUSSION

The declaration is unacceptable at this time because it is lacking a signature on behalf of the deceased co-inventor Koichi YAMAZAKI. Because Mr. YAMAZAKI is deceased, actions required by him such as the signature on the declaration should be performed by Mr. Koichi YAMAZAKI's heir(s), executor(s), administrator(s) or comparable legal representative(s).

Petitioner is required to identify a legal representative(s) or heir(s) for Mr. Koichi YAMAZAKI and then present the application papers to him/her for the required signature.

For the reason above, the application may not enter into national stage processing at this time.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

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. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.42." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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MAR 22 2011

PCT LEGAL ADMINISTRATION

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	DECISION ON RENEWED
PODACK et al	:	
Application No.: 12/921,151	:	
PCT No.: PCT/US2009/01330	:	
Int. Filing Date: 03 March 2009	:	PAPERS FILED
Priority Date: 03 March 2008	:	
Attorney's Docket No.: GRT-4052-419	:	
For: ALLOGENEIC CANCER CELL-BASED	:	
IMMUNOTHERAPY	:	UNDER 37 CFR 1.42

This is a decision on the "RENEWED SUBMISSION UNDER 37 CFR 1.42," filed 13 January 2011.

BACKGROUND

In a decision from this Office dated 03 December 2010, the request filed on 03 September 2010 was not accepted.

On 13 January 2011, applicants filed a renewed request accompanied with, inter alia, with a new an executed declaration signed by the widow of deceased joint inventor Koichi Yamazaki and as his legal representative.

DISCUSSION

A review of the application file reveals that the declaration still does not comply with 37 C.F.R. §1.63 since both the citizenship of the legal representative and her printed name is required on the declaration.

Because joint inventor Koichi YAMAZAKI is deceased and Nozomi YAMAZAKI has been appointed as the legal representative for the deceased inventor, 37 C.F.R. §1.497(b)(2) indicates that "[i]f the person making the oath or the declaration or any supplemental or oath or declaration is not the inventor (§§1.42, 1.43, or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state (the inventors citizenship and so on). If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative." (see MPEP § 409.01)

In this instance, applicants have only listed the deceased inventor's citizenship, residence and mailing address but the citizenship, residence and mailing address of the Legal representative has not been provided in the declaration.

Consequently, applicants have not satisfied the requirements under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within TWO (2) MONTHS from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273- 0459

UNITED STATES PATENT and TRADEMARK OFFICE

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ARLINGTON VA 22203

In re Application of : DECISION ON RENEWED
PODACK et al :
Application No.: 12/921,151 :
PCT No.: PCT/US2009/01330 :
Int. Filing Date: 03 March 2009 : PAPERS FILED
Priority Date: 03 March 2008 :
Attorney's Docket No.: GRT-4052-419 :
For: ALLOGENEIC CANCER CELL-BASED :
IMMUNOTHERAPY : UNDER 37 CFR 1.42

MAILED
JUN 29 2011
PCT LEGAL ADMINISTRATION

This is a decision on the "RENEWED SUBMISSION UNDER 37 CFR 1.42," filed on 10 May 2011.

BACKGROUND

In a decision from this Office on 22 March 2011, the request filed on 22 March 2011 was not accepted under 37 CFR 1.42.

On 10 May 2011, applicants filed the present renewed petition, which also included a renewed submission under 37 CFR § 1.42 accompanied with an executed declaration.

DISCUSSION

Applicants have provided a new executed declaration, which sets forth that Nozomi YAMAZAKI is the legal representative of the deceased co-inventor, Koichi YAMAZAKI and it also sets forth the their citizenships and residences. The executed declaration now has the citizenship, residence and mailing address information for both the legal representative and the deceased co-inventor.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

DECISION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains 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.:	12/921,174-Conf. #1976	Filing Date:	September 7, 2010
First Named Inventor:	Yuichi Mizuta		
Title of the Invention:	VEHICULAR DAMPING FORCE CONTROL DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/052592

The international date of the corresponding PCT application(s) is/are: February 10, 2009

I. **List of Required Documents:**

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

[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. are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

[x] Is attached.

[x] Has already been filed in the above-identified U.S. application on September 7, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

[x] Are attached.

[x] Have already been filed in the above-identified U.S. application on September 7, 2010

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 contains a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO
(continued)

Application No.:	12/921,174-Conf. #1976
First Named Inventor:	Yuichi Mizuta

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US claim 1 sufficiently corresponds to allowable/patentable JP claim 1
2	2	US claim 2 sufficiently corresponds to allowable/patentable JP claim 2
3	3	US claim 3 sufficiently corresponds to allowable/patentable JP claim 3
4	4	US claim 4 sufficiently corresponds to allowable/patentable JP claim 4
5	5	US claim 5 sufficiently corresponds to allowable/patentable JP claim 5
6	6	US claim 6 sufficiently corresponds to allowable/patentable JP claim 6
7	7	US claim 7 sufficiently corresponds to allowable/patentable JP claim 7
8	8	US claim 8 sufficiently corresponds to allowable/patentable JP claim 8
9	9	US claim 9 sufficiently corresponds to allowable/patentable JP claim 9
10	10	US claim 10 sufficiently corresponds to allowable/patentable JP claim 10
11	11	US claim 11 sufficiently corresponds to allowable/patentable JP claim 11
12	12	US claim 12 sufficiently corresponds to allowable/patentable JP claim 12

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Cesare Sclafani/	Date	November 30, 2010
Name (Print/Typed)	Cesare Sclafani	Registration Number	59,587

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

PROSPEC
2009. 5.20
RECEIVED

代理人
特許業務法人プロスペック特許事務所

様

あて名
〒453-0801
日本国愛知県名古屋市中村区太閤三丁目１番１８号
名古屋ＫＳビル１２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）	１９．０５．２００９
出願人又は代理人 の書類記号　PA0559WO	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２００９／０５２５９２	（日.月.年）　１０．０２．２００９	（日.月.年）　０７．０３．２００８

国際特許分類（ＩＰＣ）Int.Cl. B60G17/015(2006.01)i, B60G17/018(2006.01)i, F16F9/50(2006.01)i, F16F15/02(2006.01)i

出願人（氏名又は名称）
トヨタ自動車株式会社

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
１１．０５．２００９

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） 本庄　亮太郎 電話番号　０３－３５８１－１１０１　内線　３３８１	３Ｑ　９３２３

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/JP2009/052592

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／JP2009／052592

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	1－12	有
	請求項		無
進歩性（ＩＳ）	請求項	1－12	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1－12	有
	請求項		無

2． 文献及び説明

請求項１－１２に係る発明は、国際調査報告で引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

第Ⅷ欄　国際出願の不備

この国際出願の形式又は内容について、次の不備を発見した。

- １６ページ６行及び１９ページ１６行の「フィティング」は、「フィッティング」の誤記である。
- １８ページ下から２行目の「大きなったり」は、「大きくなったり」の誤記である。

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 PA0559WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/052592	International filing date *(day/month/year)* 10 February 2009 (10.02.2009)	Priority date *(day/month/year)* 07 March 2008 (07.03.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant TOYOTA JIDOSHA KABUSHIKI KAISHA		

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 12 October 2010 (12.10.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Masashi Honda
Facsimile No. +41 22 338 82 70	e-mail: pt08.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference PA0559WO	FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/052592	10.02.2009	07.03.2008

International Patent Classification (IPC) or both national classification and IPC

Applicant
TOYOTA JIDOSHA KABUSHIKI KAISHA

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/JP2009/052592

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/JP2009/052592

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	1-12	YES
	Claims		NO
Inventive step (IS)	Claims	1-12	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations:

The invention as in claims 1-12 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/JP2009/052592

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

"フィティング" on page 16, line 6 and page 19, line 16 is a typographical error for "フィッティング".

"大きなったり" on page 18, second line from the bottom is a typographical error for "大きくなったり".

STATEMENT

I, Masahiro Nishikawa, of 1313-6, Sunako, Nagakuta-cho, Aichi-gun, Aichi 480-1112 Japan, hereby declare that I possess advanced knowledge of the Japanese and English languages. The attached translation of the claims from the PCT/JP2009/052592 has been translated by me and to the best of my knowledge and belief accurately reflects the meaning and intention of the original text.

Date: November 18th, 2010

Signature: Masahiro Nishikawa

Masahiro Nishikawa

請 求 の 範 囲

1．車体と車輪との間に配設されるショックアブソーバの減衰力を変更制御する車両の減衰力制御装置において、

車両の旋回に伴って変化する所定の物理量を検出する物理量検出手段と、

前記車体の左右方向に発生した実ロール角と前記車体の前後方向に発生した実ピッチ角とを検出する姿勢状態量検出手段と、

前記車体に発生したロール挙動を制御するためのロール角とピッチ角との間の関係を表す目標特性であってロール角の変化に対してピッチ角が二次関数的に変化する目標特性を前記姿勢状態量検出手段によって検出された前記実ロール角および前記実ピッチ角によって表わされる車両の実特性に応じて変更する目標特性可変係数を計算する目標特性可変係数計算手段と、

前記目標特性可変係数計算手段によって計算された前記目標特性可変係数を用いて、前記目標特性を変更する目標特性変更手段と、

前記目標特性変更手段によって変更された前記目標特性に基づいて、車両の前輪側に配設される左右のショックアブソーバおよび車両の後輪側に配設される左右のショックアブソーバが協働して発生すべき総減衰力を計算する総減衰力計算手段と、

前記総減衰力計算手段によって計算された総減衰力を前記物理量検出手段によって検出された所定の物理量に応じて旋回内側に配設されるショックアブソーバと旋回外側に配設されるショックアブソーバとに分配する総減衰力分配手段と、

前記総減衰力分配手段によって分配された前記旋回内側に配設されるショックアブソーバの減衰力および前記旋回外側に配設されるショックアブソーバの減衰力に基づいて、各ショックアブソーバの減衰力を変更制御する減衰力制御手段とを備えたことを特徴とする車両の減衰力制御装置。

2．請求項1に記載した減衰力制御装置において、

前記目標特性可変係数計算手段は、

前記姿勢状態量検出手段によって検出された前記実ロール角および前記実ピッチ角のうち、現在の車両の旋回における最大の実ロール角および最大の実ピッチ角を用いて前記目標特性可変係数を計算することを特徴とする車両の減衰力制御装置。

３．請求項２に記載した車両の減衰力制御装置において、

前記車体に発生する前後方向の加速度を検出する前後加速度検出手段と、

前記車体に発生する前後方向の加速度と予め定めた関係にあって、前記車体に発生する実ピッチ角のうち、車両が制動または駆動されることによって発生する前記車体の前後方向における制駆動ピッチ角を、前記前後加速度手段によって検出された前記車体の前後方向の加速度を用いて決定する制駆動ピッチ角決定手段と、

前記制駆動ピッチ角決定手段によって決定された前記制駆動ピッチ角を前記姿勢状態量検出手段によって検出された実ピッチ角から減算して、前記車体に発生する実ピッチ角のうち、車両が旋回することによって発生する前記車体の前後方向における旋回ピッチ角を計算する旋回ピッチ角計算手段とを備え、

前記目標特性可変係数計算手段は、

前記旋回ピッチ角計算手段によって計算された前記旋回ピッチ角のうち、現在の車両の旋回における最大の旋回ピッチ角を用いて前記目標特性可変係数を計算することを特徴とする車両の減衰力制御装置。

４．請求項１に記載した車両の減衰力制御装置において、

前記目標特性可変係数計算手段は、

前記物理量検出手段によって検出された前記所定の物理量が予め設定された所定の値以上であるときに、前記目標特性可変係数を計算することを特徴とする車両の減衰力制御装置。

５．請求項１に記載した車両の減衰力制御装置において、

車両を旋回させるための運転者による操舵操作によって発生する前記車体の左右方向におけるロール角を推定して計算するロール角推定手段と、

前記車体に発生する上下方向の加速度を検出する上下加速度検出手段とを備え、

前記目標特性可変係数計算手段は、

前記ロール角推定手段によって前記推定されたロール角と前記姿勢状態量検出手段によって検出された前記実ロール角との差分値の絶対値が予め設定された所定の値以上である

とき、または、前記上下加速度検出手段によって検出された前記車体の上下方向の加速度の絶対値が予め設定された所定の値以上であるときに、前記目標特性可変係数を計算しないことを特徴とする車両の減衰力制御装置。

6．請求項1に記載した車両の減衰力制御装置において、

車両が走行を開始して、前記姿勢状態量検出手段によって検出される前記実ロール角および前記実ピッチ角が変化しやすい状況であるか否かを判定する実特性変化判定手段を備え、

前記目標特性変更手段は、

前記実特性変化判定手段によって前記車両の実特性が変化しやすい状況であると判定されると、前記目標特性可変係数計算手段によって計算された前記目標特性可変係数を用いて、前記目標特性を変更する頻度を高めることを特徴とする車両の減衰力制御装置。

7．請求項6に記載した車両の減衰力制御装置において、

前記実特性変化判定手段は、

車両のイグニッションスイッチがオン状態とされた後の経過時間が予め設定された所定の経過時間以下のとき、車両のトランクリッドが開閉操作された後に前記目標特性変更手段によって未だ前記目標特性が変更されていないとき、または、車両の乗降ドアが開閉操作された後に前記目標特性変更手段によって未だ前記目標特性が変更されていないときに前記実ロール角および前記実ピッチ角が変化しやすい状況であると判定することを特徴とする車両の減衰力制御装置。

8．請求項1に記載した車両の減衰力制御装置において、

前記総減衰力分配手段は、

前記総減衰力計算手段によって計算された総減衰力を、前記物理量検出手段によって検出された所定の物理量に比例して、前記旋回内側に配設されるショックアブソーバの減衰力が前記旋回外側に配設されるショックアブソーバの減衰力よりも大きくなるように分配することを特徴とする車両の減衰力制御装置。

９．請求項８に記載した車両の減衰力制御装置において、

前記総減衰力分配手段は、

前記総減衰力計算手段によって計算された総減衰力を前記旋回内側に配設されるショックアブソーバと前記旋回外側に配設されるショックアブソーバとに均等に分配するとともに、前記物理量検出手段によって検出された所定の物理量と比例関係にある減衰力分配量を、前記旋回内側に配設されるショックアブソーバに加算する一方、前記旋回外側に配設されるショックアブソーバから減算し、前記旋回内側に配設されるショックアブソーバの減衰力が前記旋回外側に配設されるショックアブソーバの減衰力よりも大きくなるように分配することを特徴とする車両の減衰力制御装置。

１０．請求項１に記載した車両の減衰力制御装置において、

前記物理量検出手段が検出する所定の物理量は、

車両の旋回に伴って発生する横加速度、車両の旋回に伴って発生するヨーレートおよび運転者によって操作される操舵ハンドルの操作量のうちの少なくとも一つであることを特徴とする車両の減衰力制御装置。

１１．請求項１に記載した車両の減衰力制御装置において、

前記ショックアブソーバは、

電気的に作動制御されて同ショックアブソーバの減衰力を変更するための電気アクチュエータを備えており、

前記減衰力制御手段は、

前記電気アクチュエータを電気的に作動制御することにより、各ショックアブソーバの減衰力を変更制御することを特徴とする車両の減衰力制御装置。

１２．請求項１に記載した車両の減衰力制御装置において、

前記総減衰力計算手段は、

前記目標特性変更手段によって変更された前記目標特性に基づいて前記姿勢状態量検出手段によって検出された実ロール角に対する目標ピッチ角を決定するとともに、同決定した目標ピッチ角と前記姿勢状態量検出手段によって検出された実ピッチ角との間の差分値

を演算し、

前記実ロール角と前記ピッチ角との間の位相差を同期させて前記車体に発生するロール挙動を制御するために、前記前輪側に配設される左右のショックアブソーバおよび前記後輪側に配設される左右のショックアブソーバが協働して発生すべき総減衰力であって、前記演算した差分値が略「０」となる総減衰力を計算することを特徴とする車両の減衰力制御装置。

CLAIMS

1. A vehicular damping force control device which changes and controls damping forces of shock absorbers disposed between a vehicle body and wheels, characterized by comprising:

physical quantity detection means for detecting a predetermined physical quantity which changes with turning of the vehicle;

posture-state-quantity detection means for detecting an actual roll angle generated in a lateral direction of the vehicle body and an actual pitch angle generated in a longitudinal direction of the vehicle body;

target-characteristic-changing-coefficient calculation means for calculating a target characteristic changing coefficient for changing a target characteristic in accordance with an actual characteristic of the vehicle represented by the actual roll angle and the actual pitch angle detected by the posture-state-quantity detection means, the target characteristic representing a relation between roll angle and pitch angle for controlling rolling behavior of the vehicle body and determined such that the pitch angle changes quadratically with the roll angle;

target characteristic changing means for changing the target characteristic by use of the target characteristic changing coefficient calculated by the target-characteristic-changing-coefficient calculation means;

total-damping-force calculation means for calculating, on the basis of the target characteristic changed by the target characteristic changing means, a total damping force which must be cooperatively generated by left and right shock absorbers disposed on a front-wheel side of the vehicle and

left and right shock absorbers disposed on a rear-wheel side of the vehicle;

total-damping-force distribution means for distributing the total damping force calculated by the total-damping-force calculation means to the shock absorbers disposed on a turn-locus inner side and the shock absorbers disposed on a turn-locus outer side in accordance with the predetermined physical quantity detected by the physical quantity detection means; and

damping force control means for changing and controlling the damping forces of the shock absorbers on the basis of the damping forces distributed by the total-damping-force distribution means to the shock absorbers disposed on the turn-locus inner side and the shock absorbers disposed on the turn-locus outer side.

2. A vehicular damping force control device according to claim 1, wherein the target-characteristic-changing-coefficient calculation means calculates the target characteristic changing coefficient by use of the maximum actual roll angle and the maximum actual pitch angle detected by the posture-state-quantity detection means during current turning of the vehicle.

3. A vehicular damping force control device according to claim 2, further comprising:

longitudinal acceleration detection means for detecting acceleration in the longitudinal direction generated in the vehicle body;

brake-drive-pitch-angle determination means for determining, from the acceleration in the longitudinal direction of the vehicle body detected by the longitudinal acceleration detection means, a brake-drive pitch angle in

the longitudinal direction of the vehicle body which has a predetermined relation with the acceleration in the longitudinal direction generated in the vehicle body, which is a faction of the actual pitch angle generated in the vehicle body, and which is generated as a result of the vehicle being braked or driven;

turning-pitch-angle calculation means for calculating a turning pitch angle in the longitudinal direction of the vehicle body by subtracting the brake-drive pitch angle determined by the brake-drive-pitch-angle determination means from the actual pitch angle detected by the posture-state-quantity detection means, the turning pitch angle being generated as a result of turning of the vehicle and being a fraction of the actual pitch angle generated in the vehicle body, wherein

the target-characteristic-changing-coefficient calculation means calculates the target characteristic changing coefficient by use of the maximum turning pitch angle calculated by the turning-pitch-angle calculation means during the current turning of the vehicle.

4. A vehicular damping force control device according to claim 1, wherein the target-characteristic-changing-coefficient calculation means calculates the target characteristic changing coefficient when the predetermined physical quantity detected by the physical quantity detection means is equal to or greater than a preset, predetermined value.

5. A vehicular damping force control device according to claim 1, further comprising:

roll angle estimation means for estimating a roll angle in the lateral

direction of the vehicle body generated as a result of a driver's steering operation for turning the vehicle; and

vertical acceleration detection means for detecting acceleration in a vertical direction generated in the vehicle body, wherein

the target-characteristic-changing-coefficient calculation means does not calculates the target characteristic changing coefficient when the absolute value of a difference between the roll angle estimated by the roll angle estimation means and the actual roll angle detected by the posture-state-quantity detection means is equal to or greater than a preset, predetermined value or when the absolute value of the acceleration in the vertical direction of the vehicle body detected by the vertical acceleration detection means is equal to or greater than a preset, predetermined value.

6. A vehicular damping force control device according to claim 1, further comprising:

actual-characteristic-change determination means for determining whether or not the vehicle starts to travel and enters a state in which the actual roll angle and the actual pitch angle detected by the posture-state-quantity detection means are likely to change, wherein

when the actual-characteristic-change determination mean determines that the vehicle is in a state in which the actual characteristic of the vehicle is likely to change, the target characteristic changing means increases the frequency at which the target characteristic is changed by use of the target characteristic changing coefficient calculated by the target-characteristic-changing-coefficient calculation means.

7. A vehicular damping force control device according to claim 6, wherein the actual-characteristic-change determination means determines that the vehicle is in a state in which the actual roll angle and the actual pitch angle are likely to change, when a period of time elapsed after an ignition switch of the vehicle was turned on is equal to less than a preset, predetermined elapse time, when the target characteristic changing means has not yet changed the target characteristic after a trunk lid of the vehicle was opened and closed, or when the target characteristic changing means has not yet changed the target characteristic after a door of the vehicle was opened and closed.

8. A vehicular damping force control device according to claim 1, wherein the total-damping-force distribution means distributes the total damping force calculated by the total-damping-force calculation means in proportion to the predetermined physical quantity detected by the physical quantity detection means such that the damping forces of the shock absorbers disposed on the turning-locus inner side become greater than the damping forces of the shock absorbers disposed on the turning-locus outer side.

9. A vehicular damping force control device according to claim 8, wherein the total-damping-force distribution means distributes the total damping force calculated by the total-damping-force calculation means equally to the shock absorbers disposed on the turning-locus inner side and the shock absorbers disposed on the turning-locus outer side; adds to the damping forces of the shock absorbers disposed on the turning-locus inner side a damping force distribution amount which is proportional to the

predetermined physical quantity detected by the physical quantity detection means; and subtracts the damping force distribution amount from the damping forces of the shock absorbers disposed on the turning-locus outer side, whereby the damping forces of the shock absorbers disposed on the turning-locus inner side are made greater than the damping forces of the shock absorbers disposed on the turning-locus outer side.

10. A vehicular damping force control device according to claim 1, wherein the predetermined physical quantity detected by the physical quantity detection means is at least one of a lateral acceleration generated as a result of turning of the vehicle, a yaw rate generated as a result of turning of the vehicle, and an amount of operation of a steering wheel operated by a driver.

11. A vehicular damping force control device according to claim 1, wherein

each shock absorber includes an electrical actuator whose operation is electrically controlled so as to change the damping force of the shock absorber; and

the damping force control means changes and controls the damping force of each shock absorber by electrically controlling the operation of the electrical actuator.

12. A vehicular damping force control device according to claim 1, wherein

the total-damping-force calculation means determines a target pitch angle corresponding to the actual roll angle detected by the posture-state-quantity detection means on the basis of the target

characteristic changed by the target characteristic changing means, and calculates a difference between the determined target pitch angle and the actual pitch angle detected by the posture-state-quantity detection means; and

in order to control rolling behavior of the vehicle body by synchronizing phases of the actual roll angle and the pitch angle, the total-damping-force calculation means calculates the total damping force, which must be cooperatively generated by the left and right shock absorbers disposed on the front-wheel side and the left and right shock absorbers disposed on the rear-wheel side, such that the calculated difference becomes about zero.

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JAN 12 2011

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PO BOX 7021
TROY MI 48007-7021

In re application of
Mizuta et al.
Application No. 12/921,174
Filed: September 07, 2010
For: VEHICULAR DAMPING FORCE CONTROL DEVICE

: **DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 01, 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, CIPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 01/11/11

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:		Filing date:	09/07/2010
First Named Inventor:	DAEHN		
Title of the Invention:	LOW-TEMPERATURE SPOT IMPACT WELDING DRIVEN WITHOUT CONTACT		

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/US09/36499

The international date of the corresponding PCT application(s) is/are: 9 March 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	DAEHN

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	Exact duplicate
2	2	Exact duplicate
3	3, 13	Multiple dependency distributed
4	4, 14	Multiple dependency distributed
5	5, 15, 19	Multiple dependency distributed
6	6, 16	Multiple dependency distributed
7	7, 17, 20	Multiple dependency distributed
8	8, 18	Multiple dependency distributed
9	9	Exact duplicate
10	10	Exact duplicate
11	11	Duplicated, but typographical error ("caims") corrected

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Stephen L Grant, RegNo33390/	Date	09/07/2010
Name (Print/Typed)	Stephen L Grant	Registration Number	33390

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.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/921,249	09/07/2010	Glenn S. Daehn	OSU1159-233C	1446

8698 7590 01/04/2011

STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin, OH 43017

EXAMINER	
ART UNIT	PAPER NUMBER
1733	

MAIL DATE	DELIVERY MODE
01/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BC

January 4, 2011

In re application of	:	DECISION ON REQUEST TO
Glenn S. Daehn et al.	:	PARTICIPATE IN PATENT
Serial No. 12/921,249	:	PROSECUTION HIGHWAY
Filed: September 07, 2010	:	PROGRAM AND
For: LOW-TEMPERATURE SPOT IMPACT	:	PETITION TO MAKE SPECIAL
WELDING DRIVEN WITHOUT CONTACT	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed September 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 must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements except (2) and (6). With regard to (6), the deciding official was able to obtain a copy of the ISA/237 (Written Opinion). With regard to (2), it is readily apparent to the deciding official that the observation made in the Written Opinion (Box VIII of the ISA/237) is not applicable to the US examination. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

Doc Code: PPH.PET.652
Document Description: Petition to Make Special Under Patent Pros Hwy

PTO/SB/20KR (02-08)
Approved for use through 12/31/2008. 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 THE JPO AND THE USPTO

Application No.:	12/921,285	First Named Inventor:	Akiyoshi FUJII
Filing Date:	September 7, 2010	Attorney Docket No.:	15820-000005/US
Title of the Invention:	ROLLER IMPRINTER AND PRODUCTION METHOD OF IMPRINTED SHEET		

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 validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

For instance, the above application is a US National Stage entry of PCT Application No. PCT/JP2009/07055 filed December 8, 2009, which claims priority to JP 2008-321349 filed December 17, 2008.

The claims of the subject application, as reflected in the Preliminary Amendment filed concurrent with the application, substantially correspond to the claims of PCT/JP2009/07055 filed December 8, 2009.

I. List of Required Documents:

A. **A copy of all JP office actions which are relevant to patentability (excluding "Decisions to Grant a Patent"*) in the above-identified JPO application(s)**

☒ No qualifying Office Actions issued.

☐ Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

B. **A copy of all claims which were determined to be patentable by the JPO in the above-identified JPO application(s).**

☒ Is attached as part of PCT/JP2009/07055.

☐ Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System

C. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language).**

D. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☐ No documents cited.
☒ Has already been filed in the above-identified U.S. application on **September 7, 2010.**

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ No documents cited.
☒ Have already been filed in the above-identified U.S. application on **September 7, 2010.**

This collection of information is required by 37 CFR 1.8. 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 by35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 24 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, VA22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

Application No.: 12/921,285	New National Stage Application	First Named Inventor:	Akiyoshi FUJII

II. Claims Correspondence Table;

Claims in US Application (see Preliminary Amendment filed with the application)	Patentable Claims in PCT/JP2009/07055	Explanation regarding the correspondence
1	1	Same
2	2	Same
3	3	Same, but multiple dependency of PCT is change to depend on claim 1 in U.S.
4	4	Same
5	5	Same, but multiple dependency of PCT is change to depend on claim 3 in U.S.
6	6	Same, but multiple dependency of PCT is change to depend on claim 1 in U.S.
7	7	Same
8	8	Same, but multiple dependency of PCT is change to depend on claim 2 in U.S.
9	9	Same, but multiple dependency of PCT is change to depend on claim 1 in U.S.
10	10	Same, but multiple dependency of PCT is change to depend on claim 1 in U.S.
11	11	Same, but multiple dependency of PCT is change to depend on claim 1 in U.S.
12	12	Same, but multiple dependency of PCT is change to depend on claim 1 in U.S.
13	13	Same, but multiple dependency of PCT is change to depend on claim 1 in U.S.
14	14	Same
15	15	Same
16	16	Same

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the PCT application.

IV. Payment of Fees: NO FEE REQUIRED

Signature	Date September 7, 2010
Name (Printed/Typed) Donald J. Daley	Registration Number 34,313

988938.1

Claims in PCT/JP2009/070555

【請求項１】

表面にパターンが形成された転写ロールを回転させることで被転写シートに該パターンを転写するローラー型インプリント装置であって、

該インプリント装置は、該転写ロールの回転軸と一致する、該転写ロールを回転させるための回転用軸を持たないことを特徴とするローラー型インプリント装置。

【請求項２】

前記インプリント装置は、少なくとも３本の挟持ロールを備え、

前記転写ロールは、該挟持ロールで保持されつつ回転させられることを特徴とする請求項１記載のローラー型インプリント装置。

【請求項３】

前記インプリント装置は、少なくとも２本の張伸ロールを備え、

前記被転写シートは、複数の該張伸ロールの間で張り伸ばした後に前記転写ロールと接触させることを特徴とする請求項１又は２記載のローラー型インプリント装置。

【請求項４】

表面にパターンが形成された転写ロールを回転させることで被転写シートに該パターンを転写するローラー型インプリント装置であって、

該被転写シートを張り伸ばすための少なくとも２本の張伸ロールと、

該転写ロールと共に該被転写シートを挟持するための少なくとも３本の挟持ロールとを備え、

複数の該張伸ロールの間で該被転写シートを張り伸ばした後に、該転写ロールと該被転写シートとを接触させ、

転写時に、該転写ロールと該挟持ロールとにより該被転写シートを挟持し、該挟持ロールにより該転写ロールを保持しつつ回転させることを特徴とするローラー型インプリント装置。

【請求項５】

前記張伸ロールは、前記挟持ロールのいずれかが兼ねることを特徴とする請求項３又は４記載のローラー型インプリント装置。

【請求項６】

前記転写ロールは円筒体であり、筒内に軸部材が挿入され、

該軸部材と該転写ロールとは、各々の回転軸が独立するとともに異なる位置にあることを特徴とする請求項１～５のいずれかに記載のローラー型インプリント装置。

【請求項７】

前記転写ロールは、前記被転写シートを張り伸ばすときには、前記軸部材によって支持され、転写時に、該軸部材の加圧により前記挟持ロールとの間で該被転写シートを挟持することを特徴とする請求項６記載のローラー型インプリント装置。

【請求項８】

転写時に、前記挟持ロールのいずれかの回転軸は、前記転写ロールの回転軸よりも上方にあることを特徴とする請求項２～７のいずれかに記載のローラー型インプリント装置。

【請求項９】

前記転写ロールは、実質的に継ぎ目が形成されていないことを特徴とする請求項１～８のいずれかに記載のローラー型インプリント装置。

【請求項１０】

前記転写ロールは、アルミニウムからなる円筒体の表面に陽極酸化法によりナノメートルサイズの窪みを形成したものであることを特徴とする請求項１～９のいずれかに記載のローラー型インプリント装置。

【請求項１１】

前記転写ロールは、ガラス又はセラミックにて形成されていることを特徴とする請求項１～９のいずれかに記載のローラー型インプリント装置。

【請求項１２】

前記転写ロールは、ガラス又はセラミックからなる円筒体の外表面にアルミニウム薄膜を成膜し、該アルミニウム薄膜に、陽極酸化法によりナノメートルサイズの窪みを形成したものであることを特徴とする請求項１～９のいずれかに記載のローラー型インプリント装置。

【請求項１３】

前記転写ロールは、冷却機構を更に備えることを特徴とする請求項１～１２のいずれかに記載のローラー型インプリント装置。

【請求項１４】

前記冷却機構は、前記転写ロールの内周面に形成されたフィン又は前記転写ロールの内

周面側に配置された円筒フィンと、該フィン又は該円筒フィンに冷却流体を供給する管とを備えることを特徴とする請求項１３記載のローラー型インプリント装置。

【請求項１５】

表面にパターンが形成されたインプリントシートの製造方法であって、

該製造方法は、

被転写シートと、表面にパターンが形成された転写ロールと、該被転写シートを張り伸ばすための少なくとも２本の張伸ロールと、該転写ロールと共に該被転写シートを挟持するための少なくとも３本の挟持ロールとを用いるものであり、

複数の該張伸ロールの間で該被転写シートを張り伸ばした後に、該転写ロールと該被転写シートとを接触させ、

転写時に、該転写ロールと該挟持ロールとにより該被転写シートを挟持して、該挟持ロールにより該転写ロールを保持しつつ回転させることを特徴とするインプリントシートの製造方法。

【請求項１６】

前記張伸ロールは、前記挟持ロールのいずれかが兼ねることを特徴とする請求項１５記載のインプリントシートの製造方法。

CERTIFICATION

I, Takanori Tamai residing at TRUST TOWER, 5-36, Miyahara 3-chome, Yodogawa-ku, Osaka 532-0003 JAPAN, do hereby certify that I am fully conversant and fluent in both the English and Japanese languages, and I further certify that to the best of my knowledge and belief that the attached English translation is a full, accurate and true translation of "CLAIMS in PCT/JP2009/070555".

Date: August 17th, 2010

Takanori Tamai

English translation of Claims in PCT/JP2009/070555

1. A roller imprinter for transferring a pattern on a surface of a transfer roller to a surface of a workpiece sheet through rotation of the transfer roller,

the roller imprinter comprising an axis shaft of rotation for the transfer roller,

the axis of the shaft being non-coincident with the rotation axis of the transfer roller.

2. The roller imprinter according to Claim 1,

further comprising at least three pinch rollers,

wherein the transfer roller is configured to rotate while being held by the pinch rollers.

3. The roller imprinter according to Claim 1 or 2,

further comprising at least two tension rollers,

wherein the sheet is made strained between a plurality of the tension rollers, and then brought into contact with the transfer roller.

4. A roller imprinter for transferring a pattern on a surface of a transfer roller to a surface of a workpiece sheet through rotation of the transfer roller,

the roller imprinter comprising:

at least two tension rollers for straining the sheet; and

at least three pinch rollers for pinching the sheet with the transfer roller,

the roller imprinter being configured to strain the sheet between a plurality of the tension rollers, and then to bring the sheet into contact with the transfer roller, and on transferring the pattern to the surface of the sheet, to pinch the sheet by the transfer roller and the pinch rollers, and to rotate the transfer roller while holding the transfer roller by the pinch rollers.

5. The roller imprinter according to Claim 3 or 4,

wherein at least two of the pinch rollers also serve as the tension rollers.

6. The roller imprinter according to any one of Claims 1 to 5,

wherein the transfer roller has a cylindrical shape,

a shaft component is disposed inside the transfer roller, and

the shaft component and the transfer roller have different and independent axes of rotation located at different positions from each other.

7. The roller imprinter according to Claim 6,

wherein the transfer roller is configured to be held by the shaft component when the sheet is strained, and on transferring the pattern to the surface of the sheet, to pinch the sheet with the pinch rollers by a pressure applied by the shaft component.

8. The roller imprinter according to any one of Claims 2 to 7,

wherein on transferring the pattern to the surface of the sheet, the position of the axis of rotation of any of the pinch rollers is horizontally higher than that of the transfer roller.

9. The roller imprinter according to any one of Claims 1 to 8,

wherein the transfer roller has a substantially seamless surface.

10. The roller imprinter according to any one of Claims 1 to 9,

wherein the transfer roller is an aluminum cylindrical roller having a surface defined by nanometer-sized cavities formed by anodization.

11. The roller imprinter according to any one of Claims 1 to 9,

wherein the transfer roller is made of a glass or ceramic material.

12. The roller imprinter according to any one of Claims 1 to 9,

wherein the transfer roller is formed by coating an aluminum thin film on the

outer surface of a cylindrical glass or ceramic roller and providing nanometer-sized cavities on the film by anodization.

13. The roller imprinter according to any one of Claims 1 to 12,

wherein the transfer roller further includes a cooling mechanism.

14. The roller imprinter according to Claim 13,

wherein the cooling mechanism includes:

a fin disposed on the inner surface of the transfer roller or a cylindrical fin disposed on the inner surface side of the transfer roller; and

a duct for supplying a cooling fluid to the fin or the cylindrical fin.

15. A method of producing an imprint sheet having a surface with a pattern formed thereon,

the method comprising use of a workpiece sheet, a transfer roller having a surface with a pattern formed thereon, at least two tension rollers for straining the sheet, at least three pinch rollers for pinching the sheet with the transfer roller, and

the method comprising:

straining the sheet between a plurality of the tension rollers and then bringing the sheet into contact with the transfer roller; and

transferring the pattern to the surface of the sheet by holding and rotating the transfer roller by the pinch rollers while pinching the sheet between the transfer roller and the pinch rollers.

16. The production method according to Claim 15,

wherein any of the pinch rollers also serve as the tension rollers.

(end)

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

代理人
特許業務法人　安富国際特許事務所
様

安富国際
'10.3.17
特許事務所

あて名
〒532-0003
日本国大阪府大阪市淀川区宮原３丁目５番３６号

ＰＣＴ
国際調査機関の見解書
（法施行規則第 40 条の 2）
〔ＰＣＴ規則 43 の 2.1〕

発送日
(日.月.年)　16．03．2010

出願人又は代理人
の書類記号　09R01145

今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２００９／０７０５５５ ✓	(日.月.年)　０８．１２．２００９ ✓	(日.月.年)　１７．１２．２００８ ✓

国際特許分類（ＩＰＣ）Int.Cl. B29C59/04(2006.01)i, B29C33/38(2006.01)i, B29L7/00(2006.01)n, B29L11/00(2006.01)n

出願人（氏名又は名称）
シャープ株式会社 ✓

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
０４．０３．２０１０

名称及びあて先	特許庁審査官（権限のある職員）	４Ｆ	３９７３
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	大村　博一 電話番号　０３－３５８１－１１０１　内線　３４３０		

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００９／０７０５５５

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、提出された以下の配列表に基づき見解書を作成した。

a．提出手段
☐ 紙形式
☐ 電子形式

b．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、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、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／ＪＰ２００９／０７０５５５

第Ⅳ欄　発明の単一性の欠如

1．☐ 追加手数料の納付命令書（様式ＰＣＴ／ＩＳＡ／２０６）に対して、出願人は、規定期間内に、

☐ 追加手数料を納付した。

☐ 追加手数料及び、該当する場合には、異議申立手数料の納付と共に、異議を申し立てた。

☐ 追加手数料の納付と共に異議を申し立てたが、規定の異議申立手数料を支払わなかった。

☐ 追加手数料を納付しなかった。

2．☑ 国際調査機関は、発明の単一性の要件を満たしていないと判断したが、追加手数料の納付を出願人に求めないこととした。

3．国際調査機関は、ＰＣＴ規則 13.1、13.2 及び 13.3 に規定する発明の単一性を次のように判断する。

☐ 満足する。

☑ 以下の理由により満足しない。

請求項１，４，１５に共通する技術的特徴は「表面にパターンが形成された転写ロールを回転させることで被転写シートに該パターンを転写するローラー型インプリント装置」であると認められるが、上記発明の共通事項は、文献１：JP 2007-203576 A（王子製紙株式会社）2007.08.16，全文、特に段落【００３６】、【図４】（ファミリーなし）に記載されているので、上記発明の共通事項は先行技術に対して新規性、進歩性を有しないから、この共通事項は特別な技術的特徴ではない。

（発明１）請求項１－３，５－１４に係る発明のうち以下の特別な技術的特徴を有する発明。
「転写ロールの回転軸と一致する、該転写ロールを回転させるための回転用軸を持たない」ローラー型インプリント装置。

（発明２）請求項４－１４のうち、上記発明１の特別な技術的特徴を有しない発明。
なお、請求項１５，１６に係る発明は、発明２の装置を用いた製造方法の発明であると認められるので、発明２と同じ区分とした。

4．　したがって、国際出願の次の部分について、この見解書を作成した。

☑ すべての部分

☐ 請求項 _____ に関する部分

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００９／０７０５５５

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	1－16	有
	請求項		無
進歩性（ＩＳ）	請求項	1－16	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1－16	有
	請求項		無

2．　文献及び説明

文献１：JP 2007-203576 A（王子製紙株式会社）2007.08.16，全文、特に段落【００３６】、【図４】

文献２：WO 2006/059686 A1（シャープ株式会社）2006.06.08，全文、特に段落【０２０４】－【０２０７】、【図１９】

文献３：JP 7-005693 A（フィリップス　エレクトロニクス　ネムローゼ　フェンノートシャップ）1995.01.10，【請求項８】、段落【００１０】－【００１２】、【図１】

文献４：JP 5-016230 A（キヤノン株式会社）1993.01.26，全文、特に段落【００４３】、【図１６】

文献５：JP 2004-223724 A（大日本印刷株式会社）2004.08.12，全文

文献６：JP 2004-205990 A（大日本印刷株式会社）2004.07.22，全文、特に【図７】、【図８】

請求項１－１６に係る発明は、文献１－６より新規性、進歩性を有している。

文献１－６には、「転写ロールの回転軸と一致する、該転写ロールを回転させるための回転用軸を持たないこと」、および「被転写シートを張り伸ばすための少なくとも２本の張伸ロールと、転写ロールと共に被転写シートを挟持するための少なくとも３本の挟持ロールとを備え、複数の張伸ロールの間で被転写シートを張り伸ばした後に、転写ロールと被転写シートとを接触させ、転写時に、転写ロールと挟持ロールとにより被転写シートを挟持し、挟持ロールにより転写ロールを保持しつつ回転させること」について記載も示唆もなく、当業者にとって自明なことでもない。

PATENT COOPERATION TREATY

From the
JAPAN PATENT OFFICE (INTERNATIONAL SEARCHING AUTHORITY)

Agent:
Yasutomi & Associates

To:
5-36, Miyahara 3-chome, Yodogawa-ku Osaka
532-0003, Japan

PCT
WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(Article 40-2 of the Regurations under the Law)
[PCT Rule 43bis.1]

	Date of mailing (day/month/year) 16.03.2010
Applicant's or agent's file reference 09R01145	FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date	Priority date
PCT/JP2009/070555	(day/month/year) 08.12.2009	(day/month/year) 17.12.2008

International Patent Classification (IPC) Int.Cl.
B29C59/04(2006.01)i, B29C33/38(2006.01)i, B29L7/00(2006.01)n, B29L11/00(2006.01)n

Applicant (Name)
Sharp Kabushiki Kaisha

1. This opinion contains indications relating to the following items:

- ☑ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☑ Box No. IV Lack of unity of invention
- ☑ Box No. V Reasoned statement under Rule 43bis. 1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain document Cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION
If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66. 1bis (b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

Few further options, see Form PCT/ISA/220.

3. Few further details, see notes to Form PCT/ISA/220.

Date of completion of this opinion
04.03.2010

Name and mailing address of the ISA/JP	Examiner, Patent Office (Authorized officer)	4F	3973
Japan Patent Office (ISA/JP) 3-4-3 Kasumigaseki, Chiyoda-ku Tokyo 100-8915, Japan	Omura Hirokazu Telephone No. 03-3581-1101 Extension 3430		

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/JP2009/070555

Box No. I Basis of the 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
   - [ ] the translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rule 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(b))

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. format of material
      - [ ] on paper
      - [ ] in electronic form

   b. 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/JP2009/070555

Box No. IV Lack of unity of Invention

1. ☐ In response to the invitation (From 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 Rules 13.1, 13.2 and 13.3 is

   - ☐ complied with
   - ☑ not complied with for the following reasons:

It is considered that the technical feature common to claims 1, 4, and 15 is "a roller imprinter for transferring a pattern on a surface of a transfer roller to a surface of a workpiece sheet through rotation of the transfer roller." However, since the above-mentioned common matter of the invention is set forth in Document 1: JP 2007-203576 A (Oji Paper Co., Ltd.), 16 August 2007, entire document, especially paragraph [0036] and fig. 4 (family: none), the common matter of the invention lacks novelty and does not involve an inventive step in view of prior art, and therefore is not a special technical feature.

(Invention 1) The invention among the inventions in accordance with claims 1 to 3 and 5 to 14, having the following special technical feature. The roller imprinter "comprising an axis shaft of rotation for the transfer roller, the axis of the shaft being non-coincident with the rotation axis of the transfer roller."

(Invention 2) The invention among the inventions in accordance with claims 4 to 14, not having the special technical feature of Invention 1. The inventions in accordance with claims 15 and 16 is considered to be the invention relating to the production method using the device of Invention 2, and therefore falls within the same class as that of Invention 2.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

   - ☑ all parts
   - ☐ the parts relating to claims Nos _____

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/JP2009/070555

Box No. V Reasoned statement under Rule 43bis. 1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-16	Yes
	Claims		No
Inventive step (IS)	Claims	1-16	Yes
	Claims		No
Industrial applicability (IA)	Claims	1-16	Yes
	Claims		No

2. Citations and explanations:

Document 1: JP2007-203576 A (Oji paper Co., Ltd.), 16 August 2007, entire document, especially paragraph [0036] and fig. 4

Document 2: WO2006/059686 A1 (Sharp Corp.), 8 June 2006, entire document, especially paragraphs [0204] to [0207] and fig. 19

Document 3: JP7-005693 A (PHILIPS ELECTRONICS N.V.), 10 January 1995, claim 8, paragraphs [0010] to [0012]

Document 4: JP5-016230 A (Canon Inc.), 26 January 1993, entire document, especially paragraph [0043] and fig. 16

Document 5: JP2004-223724 A (Dai Nippon Printing Co., Ltd.), 12 August 2004, entire document

Document 6: JP2004-205990 A (Dai Nippon Printing Co., Ltd.), 22 July 2004, entire document, especially figs. 7 and 8

The invention as in claims 1 to 16 is novel and involves an inventive step in light of Documents 1 to 6.

Documents 1 to 6 neither disclose nor suggest that "the roller imprinter includes an axis shaft of rotation for the transfer roller, the axis of the shaft being non-coincident with the rotation axis of the transfer roller" and "the roller imprinter comprises at least two tension rollers for straining the workpiece sheet; and at least three pinch rollers for pinching the sheet with the transfer roller, the roller imprinter being configured to strain the sheet between a plurality of the tension rollers, and then to bring the sheet into contact with the transfer roller, and on transferring the pattern to the surface of the sheet, to pinch the sheet by the transfer roller and the pinch rollers, and to rotate the transfer roller while holding the transfer roller by the pinch rollers" The invention as in claims 1 to 16 is therefore not obvious to a person skilled in the art.

Claim Correspondence Table

Claims in "SP702US"	Claims in PCT/JP2009/070555	Explanation regarding the correspondence
1	1	Both claims are substantially the same.
2	2	Both claims are substantially the same.
3	3	Both claims are substantially the same except for claim dependency. Claim 3 in the US application depends only on Claim 1 and corresponds to Claim 3 in the PCT application, which depends on Claims 1 and 2.
4	4	Both claims are substantially the same.
5	5	Both claims are substantially the same except for claim dependency. Claim 5 in the US application depends only on Claim 3 and corresponds to Claim 5 in the PCT application, which depends on Claims 3 and 4.
6	6	Both claims are substantially the same except for claim dependency. Claim 6 in the US application depends only on Claim 1 and corresponds to Claim 6 in the PCT application, which depends on Claims 1 to 5.
7	7	Both claims are substantially the same.
8	8	Both claims are substantially the same except for claim dependency. Claim 8 in the US application depends only on Claim 2 and corresponds to Claim 8 in the PCT application, which depends on Claims 2 to 7.
9	9	Both claims are substantially the same except for claim dependency. Claim 9 in the US application depends only on Claim 1 and corresponds to Claim 9 in the PCT application, which depends on Claims 1 to 8.
10	10	Both claims are substantially the same except for claim dependency. Claim 10 in the US application depends only on Claim 1 and corresponds to Claim 10 in the PCT application, which depends on Claims 1 to 9.
11	11	Both claims are substantially the same except for claim dependency. Claim 11 in the US application depends only on Claim 1 and corresponds to Claim 11 in the PCT application, which depends on Claims 1 to 9.
12	12	Both claims are substantially the same except for claim dependency. Claim 12 in the US application depends only on Claim 1 and corresponds to Claim 12 in the PCT application, which depends on Claims 1 to 9.
13	13	Both claims are substantially the same except for claim dependency. Claim 13 in the US application depends only on Claim 1 and corresponds to Claim 13 in the PCT application, which depends on Claims 1 to 12.
14	14	Both claims are substantially the same.
15	15	Both claims are substantially the same.
16	16	Both claims are substantially the same.

OPAP IAP24
OCT 1 2 2010
PATENT & TRADEMARK OFFICE

Doc Code: PPH.PET.652
Document Description: Petition to Make Special Under Patent Pros Hwy

PTO/SB/20KR (02-08)
Approved for use through 12/31/2008. 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 THE JPO AND THE USPTO

Application No.:	12/921,285	First Named Inventor:	Akiyoshi FUJII
Filing Date:	September 7, 2010	Attorney Docket No.:	15820-000005/US
Title of the Invention:	ROLLER IMPRINTER AND PRODUCTION METHOD OF IMPRINTED SHEET		

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 validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

For instance, the above application is a US National Stage entry of PCT Application No. **PCT/JP2009/070555** filed December 8, 2009, which claims priority to JP 2008-321349 filed December 17, 2008.

The claims of the subject application, as reflected in the Preliminary Amendment filed concurrent with the application, substantially correspond to the claims of PCT/JP2009/070555 filed December 8, 2009.

I. **List of Required Documents:**

A. **A copy of all JP office actions which are relevant to patentability (excluding "Decisions to Grant a Patent"*) in the above-identified JPO application(s)**

☒ No qualifying Office Actions issued.

☐ Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

B. **A copy of all claims which were determined to be patentable by the JPO in the above-identified JPO application(s).**

☒ Is attached as part of **PCT/JP2009/070555**.

☐ Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System

C. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language).**

D. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☐ No documents cited.
☒ Has already been filed in the above-identified U.S. application on **September 7, 2010.**

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ No documents cited.
☒ Have already been filed in the above-identified U.S. application on **September 7, 2010.**

This collection of information is required by 37 CFR 1.8. 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 by35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 24 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, VA22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

Application No.:	New National Stage Application	First Named Inventor:	Akiyoshi FUJII

II. Claims Correspondence Table;

Claims in US Application (see Preliminary Amendment filed with the application)	Patentable Claims in **PCT/JP2009/070555**	Explanation regarding the correspondence
1	1	Same
2	2	Same
3	3	Same, but multiple dependency of PCT is change to depend on claim 1 in U.S.
4	4	Same
5	5	Same, but multiple dependency of PCT is change to depend on claim 3 in U.S.
6	6	Same, but multiple dependency of PCT is change to depend on claim 1 in U.S.
7	7	Same
8	8	Same, but multiple dependency of PCT is change to depend on claim 2 in U.S.
9	9	Same, but multiple dependency of PCT is change to depend on claim 1 in U.S.
10	10	Same, but multiple dependency of PCT is change to depend on claim 1 in U.S.
11	11	Same, but multiple dependency of PCT is change to depend on claim 1 in U.S.
12	12	Same, but multiple dependency of PCT is change to depend on claim 1 in U.S.
13	13	Same, but multiple dependency of PCT is change to depend on claim 1 in U.S.
14	14	Same
15	15	Same
16	16	Same

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the PCT application.

IV. Payment of Fees: NO FEE REQUIRED

Signature	Date October 12, 2010
Name (Printed/Typed) Donald J. Daley	Registration Number 34,313

988938.1

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/921,285	09/07/2010	Akiyoshi Fujii	15820-000004/US	1670

30593 7590 12/15/2010
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
12/15/2010	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.

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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P.O. BOX 8910
RESTON VA 20195

In re Application of
FUJII et al.
Application No.: 12/921,285
Filed: 07 September 2010
Attorney Docket No.: 15820-000004/US
For: ROLLER IMPRINTER AND PRODUCTION METHOD OF IMPRINTED SHEET

: 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 07 September 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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.
12/921,306	12/03/2010	Timothy James Speight	366669US8X PCT	1804

22850 7590 09/09/2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
YAO, KWANG BIN

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
09/09/2011	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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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Bradley Lyte
Oblon, Spivak, Mcclelland Maier & Neustadt, LLP
1940 Duke Street
Alexandria VA 22314

In re Application of:
Ding
Appl. No.: 12/921306
Filed: September 7, 2010
For: Method and Apparatus for Managing Transmission of TCP Data Segments

DECISION ON PETITION UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on April 26 2011, to expunge information submitted pursuant to MPEP § 724.02.

The petition is **DISMISSED**.

Petitioner requests that the information submitted on December 7 2010 be expunged from the record as the information was unintentionally filed. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

A Petition to expunge information unintentionally submitted should include:

(a) the Office can effect such return prior to the issuance of any patent on the application at issue;

(b) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

(c) the information has not otherwise been made public;

(d) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(e) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and

(f) the petition fee as set forth in 37 CFR 1.17(g) is included.

A review of the file indicates that no statement has been made about irreparable harm to the party who submitted the information nor to the party in interest on whose behalf the information was submitted, no statement has been made about the information submitted has not otherwise been made public, nor has there been a commitment on the part of the petitioner to retain such information for the period of any patent.

A review of the information submitted indicates that the information is drawn to the same area of technology as petitioner's claims, accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being

defined as any information which the examiner considers as being important to a determination of patentability of the claims.

During prosecution on the merits, the examiner will determine whether or not the information submitted on December 7 2010 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be removed from the file.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3612. A second point of contact is Chris Grant at (571) 272-7294.

Tod Swann, QAS
Technology Center 200

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ALEXANDRIA, VA 22313-1450
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TAROLLI, SUNDHEIM, COVELL & TUMMINO, LLP
1300 EAST NINTH STREET
SUITE 1700
CLEVELAND, OH 44114

MAILED
APR 15 2011
PCT LEGAL ADMINISTRATION

In re Application of MEDOF et al :
U.S. Application No.: 12/921,308 :
PCT Application No.: PCT/US2009/036334 :
Int. Filing Date: 06 March 2009 : DECISION
Priority Date Claimed: 06 March 2008 :
Attorney Docket No.: CWR-018227US PCT :
For: METHOD OF TREATING T CELL :
MEDIATED DISORDERS :

This is in response to applicant's petition filed 17 February 2011, which is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 06 March 2009, applicant filed international application PCT/US2009/036334, which claimed priority of an earlier United States application filed 06 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 11 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 07 September 2010.

On 07 September 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

On 26 October 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which identified certain defects in the declaration filed 07 September 2010.

On 23 November 2010, applicant filed new declarations.

On 04 February 2011, this Office mailed a communication relating to a discrepancy with regard to the given name of the sixth inventor.

On 17 February 2011, applicant filed the instant petition under 37 CFR 1.181.

DISCUSSION

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but 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. Similarly, a typographical or transliteration error in the name of an inventor identified in a previously submitted oath or declaration may be corrected by simply notifying the Office of the error. A new oath or declaration is not required to correct such error. See MPEP § 201.03 and § 605.04(g).

The petition states that the discrepancy with respect to the given name of the sixth inventor was the result of a typographical error. This constitutes sufficient notice to the Office under MPEP 1893.01(e). Applicant may wish to consider filing an Application Data Sheet to ensure that the inventors' names are printed correctly if the application matures into a patent.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 06 March 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 23 November 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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www.uspto.gov

O'Shea Getz P.C.
1500 Main St. Suite 912
Springfield, MA 01115

MAILED

JUN 29 2011

PCT LEGAL ADMINISTRATION

In re Application of :
JAHEDI et al. :
Application No.: 12/921,332 :
PCT No.: PCT/AU2009/000276 :
Int. Filing Date: 06 March 2009 : DECISION ON PETITION
Priority Date: 06 March 2008 :
Attorney Docket No.:1279-0002 :
For: MANUFACTURE OF PIPES :

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 26 April 201; applicant's "Completion of Filing Requirements" filed 27 April 2011; and applicants' Response to Notification of Defective Response filed 11 May 2011. The submissions dated 27 April 2011 and 11 May 2011 included a declaration executed by all the named inventors.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 11 May 2011 with the present communication was executed by the named inventors, the previous non-signing inventors. The declaration filed 11 May 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 06 March 2009 under 35 U.S.C. 363 and a date of **11 May 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
Facsimile: 571-273-0459

ERROR REPORT

==========
Sequence Listing could not be accepted.
If you need help call the Patent Electronic Business Center at (866) 217-9197 (toll free).
Reviewer: Anne Corrigan
Timestamp: [year=2011; month=12; day=13; hr=13; min=28; sec=42; ms=670;]
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Reviewer Comments:
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<400> 202
ccattgtcac actcc
15

The last "<223>" response above exceeds the Sequence Rules' required 72-character line limit; please insert a hard return. FYI: per Sequence Rules, the maximum number of lines in a "<223>" response is four lines. If the "<223>" response exceeds four lines, please insert a "<220>" under the fourth line (no response), and insert a "<223>" at the beginning of the fifth line.

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: ID0071USG	Application Number (if known): 12/921,343	Filing date: SEPTEMBER 7, 2010

First Named Inventor: Michael Brady

Title: BIOMASS PRETREATMENT PROCESS

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. **See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /jra/	Date September 7, 2010
Name (Print/Typed) Jeffrey R. Anderson	Registration Number 42,263

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/420 (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.

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/921,343	01/26/2011	Michael Brady	ID0071USG	2058

90394 7590 03/28/2011

Kior Inc.
13001 Bay Park Rd.
Pasadena, TX 77507

EXAMINER	
ART UNIT	PAPER NUMBER
1761	

MAIL DATE	DELIVERY MODE
03/28/2011	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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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3/28/2011

Kior Inc.
13001 Bay Park Rd.
Pasadena TX 77507

In re Application of	:	
Brady et al.	:	DECISION ON PETITION
Application No. 12/921,343	:	TO MAKE SPECIAL UNDER
Filed: 1/26/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **ID0071USG**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/7/2010, 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 1761 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
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MAILED

JUN 21 2011

PCT LEGAL ADMINISTRATION

FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
BILELLO et al.	:	
Application No.: 12/921,349	:	DECISION
PCT No.: PCT/US2009/036084	:	
Int. Filing Date: 04 March 2009	:	
Priority Date: 04 March 2008	:	
Attorney Docket No.: 20436-0009US1	:	
For: MONITORING DEPRESSION DISORDERS BASED ON MULTIPLE SERUM BIOMARKER PANELS	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 27 April 2011 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 04 March 2009, applicants filed international application PCT/US2009/036084, which designated the United States and claimed a priority date of 04 March 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 September 2010 (04 September 2010 being a Saturday and 06 September 2010 being a Federal holiday).

On 07 September 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 28 September 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 27 April 2011, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, and a statement of facts by Elizabeth N. Kaytor with documentation in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As to item (1), the petition fee has been paid.

As to item (2), it has been established that non-signing inventor Yiwu HE was presented with a copy of the application papers. Dr. He's conduct constitutes a refusal to sign.

As to item (3), a statement of the last known address of Dr. HE has been provided.

As to item (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 has been provided.

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 **27 April 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

MAILED

JUN 21 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Dr. Yiwu He
2441 84th Ave. SE
Mercer Island, WA 98040

In re Application of	:	
BILELLO et al.	:	
Application No.: 12/921,349	:	DECISION
PCT No.: PCT/US2009/036084	:	
Int. Filing Date: 04 March 2009	:	
Priority Date: 04 March 2008	:	
Attorney Docket No.: 20436-0009US1	:	
For: MONITORING DEPRESSION DISORDERS BASED ON MULTIPLE SERUM BIOMARKER PANELS	:	

Dear Dr. He:

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

FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

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P.O. Box 1450
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JUN 21 2011

PCT LEGAL ADMINISTRATION

Dr. Yiwu He
2707 68th Ave. SE
Mercer Island, WA 98040

In re Application of	:	
BILELLO et al.	:	
Application No.: 12/921,349	:	DECISION
PCT No.: PCT/US2009/036084	:	
Int. Filing Date: 04 March 2009	:	
Priority Date: 04 March 2008	:	
Attorney Docket No.: 20436-0009US1	:	
For: MONITORING DEPRESSION DISORDERS BASED ON MULTIPLE SERUM BIOMARKER PANELS	:	

Dear Dr. He:

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
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/921,351	09/07/2010	Soo-Hyun Kim	2016-41	2097

52706 7590 06/13/2011

IPLA P.A.
3550 WILSHIRE BLVD.
17TH FLOOR
LOS ANGELES, CA 90010

EXAMINER	
ABEL JALIL, NEVEEN	
ART UNIT	PAPER NUMBER
2165	
MAIL DATE	DELIVERY MODE
06/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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IPLA P.A.
3550 WILSHIRE BLVD.
17TH FLOOR
LOS ANGELES CA 90010

In re Application of: KIM et al.
Application No. 12/921,351
Attorney Docket #: 2016-41
Filed: September 7, 2010
For: INTELLEGENT AUTOMATIC RECOGNITION TOOLBAR SEARCH METHOD AND SYSTEM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 17, 2010, to make the above- identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the KIPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the KIPO 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 KIPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;
Applicant must submit a copy of all the Office actions (which are relevant to patentability, e.g., "Notice of Rejection," however, excluding a "Decision to Grant a Patent") from each of the KR 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 (if the Office actions are not in the English language). It will not be necessary for applicant to submit a copy of the "Decision to Grant a Patent," an English translation of the "Decision to Grant a Patent" and a statement that the translation is accurate.

(5) Applicant must submit:
a. Documentation of ALL office action:
i. a copy of ALL office action(s)just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claim(s) or
ii. 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;
b. An English language translation of the KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED.**

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/921,355	09/07/2010	Young Ho Yoo	4900-0047	2116

22429 7590 11/26/2010

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
2879	

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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

In re Application of
Young Ho YOO
Application No.: 12/921,355
Filed: 07 September 2010
Attorney Docket No.: 4900-0047
For: LED LIGHTING APPARATUS TO DISSIPATE HEAT BY FANLESS VENTILATION

: 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 07 October 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that all (s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1 and 4-6 above are considered to have been met.
However the request to participate in the PPH program fails to meet requirements 2.

Regarding requirement 2, applicant has failed to submit an English translation of the allowed claims from the KIPO application and a statement that the translation is accurate.

Regarding requirement 3, it cannot be determined at this time if the claim of the instant application sufficiently correspond to the allowed claims of the KIPO application since requirement 2 has not been met.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at (571) 272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/921,355	09/07/2010	Young Ho Yoo	4900-0047	2116

22429 7590 01/12/2011

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
01/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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P.O. Box 1450
Alexandria, VA 22313-1450
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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

In re Application of
Young Ho YOO
Application No.: 12/921,355
Filed: 07 September 2010
Attorney Docket No.: 4900-0047
For: LED LIGHTING APPARATUS TO DISSIPATE HEAT BY FANLESS VENTILATION

: 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 07 October 2010 and renewed on 07 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   or

   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Regarding requirement 3, the claims correspondence table is incorrect. Claims 1, 2, 3, 4, and 6 of the instant application correspond to claims 1, 2, 3, 4, and 3 of the KIPO application.

Any response must be submitted via EFS-Web.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Lee W. Young
TQAS
Technology Center 2800

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MAY 18 2011

PCT LEGAL ADMINISTRATION

EDWIN D. SCHINDLER
4 HIGH OAKS COURT
P.O. BOX 4259
HUNTINGTON NY 11743-0777

In re Application of:
KOSHY, Arun, Darlie, et al.
U.S. Application No.: 12/921,364
PCT No.: PCT/AU2009/000267
International Filing Date: 06 March 2009
Priority Date: 06 March 2008
Attorney's Docket No.: None
For: FACILITATING RELATIONSHIPS AND INFORMATION TRANSACTIONS

DECISION
(37 CFR 1.497(d))

This decision is issued in response to the materials filed by applicants on 08 February 2011, treated herein as a request to remove an inventor under 37 CFR 1.497(d). Applicants have paid the required $130 processing fee.

BACKGROUND

On 06 March 2009, applicants filed international application PCT/AU2009/000267. The application claimed a priority date of 06 March 2008, and it designated the United States. On 11 September 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., 07 September 2010 (06 September 2010 was a holiday in the United States). The international application identified two applicant/inventors for the United States, Arun Darlie KOSHY and Alexander OGOLYUK.

On 07 September 2010, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the required basic national fee.

On 08 October 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

On 08 February 2008, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the surcharge for filing the declaration later than thirty months after the priority date, a declaration that names and

is executed by only one of the two inventors of record (Arun Darlie KOSHY), and the materials considered herein as a request under 37 CFR 1.497(d) to delete the second inventor of record, Alexander OGOLYUK, from the application.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, applicant has filed a declaration that names an inventive entity different than that set forth in the international application (specifically, Alexander OGOLYUK has been removed as an inventor). Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

Applicant has provided the required statement of non-deceptive intent from the person to be removed as an inventor, as well as payment of the required processing fee. Requirements (A) and (B) are therefore satisfied. Applicant has not, however, submitted a statement executed by an authorized representative of the assignee consenting to the requested change in inventorship.[1] Requirement (C) of a grantable request to correct inventorship under 37 CFR 1.497(d) is therefore not satisfied.

It is noted that the consent of the assignee must be submitted in compliance with 37 CFR 3.73(b). Accordingly, any statement of consent from the assignee subsequently submitted herein must be accompanied by an acceptable statement in compliance with 37 CFR 3.73(b) (see Form PTO/SB/96).

Based on the above, applicant has not satisfied all the requirements for a grantable request to correct inventorship under 37 CFR 1.497(d).

---

[1] Although an assignment has not been recorded in the present national stage application, the existence of a corporate applicant in the international application implies that such an assignee exists. If no assignee exists, applicants must submit a statement confirming that this is the case.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The inventorship of record remains that set forth in the international application, that is, Arun Darlie KOSHY and Alexander OGOLYUK.

The declaration filed 08 February 2011, which does not include Alexander OGOLYUK, is unacceptable on the present record for failure to properly identify the inventors of record.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should be entitled "Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy item (C) of a grantable request, as discussed above and in the MPEP, that is, a properly executed statement of consent to the requested change in inventorship from the assignee and an acceptable statement under 37 CFR 3.73(b).

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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SEP 28 2011

PCT LEGAL ADMINISTRATION

EDWIN D. SCHINDLER
4 HIGH OAKS COURT
P.O. BOX 4259
HUNTINGTON NY 11743-0777

In re Application of:
KOSHY, Arun, Darlie, et al.
U.S. Application No.: 12/921,364
PCT No.: PCT/AU2009/000267
International Filing Date: 06 March 2009
Priority Date: 06 March 2008
Attorney's Docket No.: None
For: FACILITATING RELATIONSHIPS AND INFORMATION TRANSACTIONS

DECISION ON PETITION UNDER 37 CFR 1.181

This decision is issued in response to applicants' "Petition To Vacate Erroneous Premature Notice Of Abandonment, Pursuant to 37 C.F.R. § 1.181" filed on 31 August 2011. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 18 May 2011. The decision dismissed without prejudice applicants' request under 37 CFR 1.497(d), finding that applicants had not satisfied all the requirements of a grantable request. The decision provided applicants with a two month response period, and it expressly stated that extensions of time under 37 CFR 1.136(a) were available.

On 30 August 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned based on applicants' purported failure to file a timely response to the decision mailed on 18 May 2011.

On 18 May 2011, applicants filed the present petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment.

DISCUSSION

Applicants' present petition argues that the Notification Of Abandonment was issued prior to the expiration of the available response period with respect to the decision mailed on 18 May 2011 and that the holding of abandonment is therefore properly withdrawn.

As noted above, the decision mailed on 18 May 2011 provided applicants with two months to submit the required response, and the decision specifically stated that this response period was extendable under 37 CFR 1.136(a). 37 CFR 1.136(a) permits applicants to obtain a maximum extension of five months which, in the present case, would extend the response deadline to 18 December 2011(i.e., seven total months from the 18 May 2011 mail-date of the previous decision).

In view of the above, and as argued by applicants in the present petition, the Notification Of Abandonment mailed 30 August 2011 was issued prior to the expiration of the available response period. Applicants' petition to withdraw the holding of abandonment is therefore appropriately granted.

CONCLUSION

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed prematurely on 30 August 2011 is hereby **VACATED**.

The response period set forth in the decision mailed on 18 May 2011 remains in effect, that is, applicants have two months from the 18 May 2011 mail date of such decision, subject to any extension of time obtained pursuant to 37 CFR 1.136(a), to file a proper response to such decision, accompanied by the required extension fee under 37 CFR 1.136(a).

Failure to file a proper response to the 18 May 2011 decision 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.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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MAILED
JAN 05 2012
PCT LEGAL ADMINISTRATIC

UNITED STATES PATENT AND TRADEMARK OFFICE

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EDWIN D. SCHINDLER
4 HIGH OAKS COURT
P.O. BOX 4259
HUNTINGTON NY 11743-0777

In re Application of: KOSHY, Arun, Darlie.	:	
U.S. Application No.: 12/921,364	:	DECISION ON RENEWED
PCT No.: PCT/AU2009/000267	:	REQUEST UNDER
International Filing Date: 06 March 2009	:	37 CFR 1.497(d)
Priority Date: 06 March 2008	:	
Attorney's Docket No.: None	:	
For: FACILITATING RELATIONSHIPS AND INFORMATION TRANSACTIONS	:	

This decision is issued in response to "Applicant's Reply To Decision Re: Removal Of Inventor, Pursuant To 37 C.F.R. §1.497(d)" filed on 19 December 2011, treated herein as a renewed request to remove an inventor under 37 CFR 1.497(d). Applicants have previously paid the required $130 processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 18 May 2011. The decision dismissed applicants' request to correct inventorship under 37 CFR 1.497(d), finding that all the requirements of a grantable request were not satisfied. Specifically, applicants had failed to provide the consent of the assignee to the requested change in inventorship.

On 19 December 2011, applicants filed the renewed request under 37 CFR 1.497(d) considered herein (with required extension fee).

DISCUSSION

The present submission includes a statement confirming that that there is currently no assignee of the present application. The submission also includes a statement consenting to the change of inventorship from a representative of Lighttradar Pty. Limited, the corporate applicant on the international application identified here as the potential/intended assignee of the application. These materials satisfy the final outstanding requirement of a grantable request to correct inventorship under 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record is corrected to remove Alexander OGOLYUK as an inventor herein.

In view of this correction, the declaration filed on 08 February 2011, which names and is executed by the sole remaining inventor of record, Arun Darlie KOSHY, may now be accepted under 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

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25226
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

MAILED

MAY 26 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BINGHAM, John W. :
U.S. Application No.: 12/921,375 :
PCT No.: PCT/US2009/036560 :
Int. Filing Date: 09 March 2009 :
Priority Date: 07 March 2008 :
Attorney Docket No.: 643152000100 :
For: INTRADERMAL INJECTOR AND USES THEREOF :

DECISION

This decision is in response to the request to withdraw as attorney of record and change of correspondence address filed on 18 March 2011.

The request to withdraw as attorney of record is hereby **DISMISSED** as **MOOT**.

A new power of attorney appointing Practitioners associated with Customer Number 25871 was filed by the assignee, Pharmajet, Inc., on 15 April 2011.

All future communication will be directed to Customer Number 25871. A copy of this communication will be forwarded to the address of Customer Number 25871.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

cc: SWANSON & BRATSCHUN, L.L.C.
8210 Southpark Terrace
Littleton, CO 80120

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AUG 31 2011

PCT LEGAL ADMINISTRATION

John Alumit
16830 Ventura Blvd. Suite 360
Encino CA 91364

In re Application of DIKOVSKIY et al.
Application No.: 12/921,383
PCT No.: PCT/RU08/00122
Int. Filing: 04 March 2008
Priority Date: none
Attorney Docket No.: 22754-074
For: A PHARMACEUTICAL COMPOSITION BASED ON A HEPATOPROTECTOR AND PREBIOTIC, THE PRODUCTION AND USE THEREOF

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 07 July 2011 in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3). The petition fee of $810 has been paid. The requirements of 37 CFR 1.137(b) have been satisfied.

Applicant submitted a response to the 30 September 2010 Notification of Missing Requirements including a newly executed declaration by the joint inventors in compliance with 37 CFR 1.497(a) and (b) and an English translation of the international application. The $65 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 07 July 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE WA 99201

MAILED
NOV 19 2010
OFFICE OF PETITIONS

In re Application:
Toshiki Hanyu
Application No. 12/921,389
Effectively filed: September 7, 2010
Attorney Docket No. NA25-004

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 20, 2010. 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.

This file is being forwarded to the Office of Initial Patent Examination.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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NOV 05 2010

PCT LEGAL ADMINISTRATION

STEVEN B. STEIN
114 OLD BLOOMFIELD AVENUE
PARSIPPANY NJ 07054

In re Application of :
ARNOLD, Edward, et al. :
Application No.: 12/921,390 :
PCT No.: PCT/US2008/056110 :
Int. Filing Date: 06 March 2008 : DECISION
Priority Date: 06 March 2007 :
Att. Docket No.: PA80219S7NS :
For: HIV REVERSE TRANSCRIPTASE :
COMPOSITIONS AND METHODS :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 07 September 2010, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
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DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

MAILED

DEC 21 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
REISCH et al	:	
Application No.: 12/921,431	:	
PCT No.: PCT/EP2009/052013	:	
Int. Filing Date: 19 February 2008	:	PETITION
Priority Date: 27 March 2007	:	
Attorney's Docket No.: ZFP491US	:	
For: ACTUATING... DISASSEMBLY THEREOF	:	UNDER 37 CFR 1.182

This decision is in response to the "RESPONSE TO ... DESIGNATED/ELECTED OFFICE (DO/EO/US)," filed on 13 October 2010, which has been treated as a petition under 37 CFR 1.182 to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/EP009/052013.. Petitioner has charged the petition fee of $400.00 to Deposit Account No.: 04-0213.

BACKGROUND

On 19 February 2008, this international application was filed, claiming an earliest priority date of 27 March 2007.

On 08 September 2010, applicants filed a transmittal letter for entry into the national stage in the United States. However, the incorrect PCT number was submitted at the time of electronic filing since applicant typed in the Electronic Acknowledgement Receipt the international application number PCT/EP2008/052013.

On 06 October 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.

In response to the Notification mailed on 06 October 2010, applicants mailed on 13 October 2010 the current petition to correct the international application number that identified it as PCT/EP2008/052013 rather than the correct application number PCT/EP2009/052013.

DISCUSSION

Petitioner states that the international number was accidently misidentified and that the correct PCT application serial no. is **PCT/EP2009/052013**.

Although, applicants entered the incorrect international application number at the time of filing the national stage application, the correct number PCT/EP2009/052013 was provided in the ADS and the executed declaration. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/EP2009/052013 for the national stage commencement.

Therefore, petition to accept the correct PCT number of PCT/EP2009/052013 for the instant application is granted, and will be reflected in the filing receipt.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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15 SEP 2010

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Konomi Takeshita
Eight Penn Center, Suite 1300,
1628 John F. Kennedy Blvd.
Philadelphia PA 19103

In re Application of :
UMEZU et al. :
Application No.: 12/921,462 :
PCT No.: PCT/JP2007/054034 : DECISION ON PETITION
Int. Filing Date: 02 March 2007 : UNDER 37 CFR 1.137(b)
Priority Date: 03 March 2006 :
Attorney Docket No.: Y10S018PCT-US :
For: SYSTEM FOR EVALUATING CARDIAC SURGERY TRAINING :

The petition to revive under 37 CFR 1.137(b) filed 08 September 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.

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MAILED

MAR 14 2011

PCT LEGAL ADMINISTRATION

In re Application of :
UMEZU et al. :
Application No.: 12/921,462 :
PCT No.: PCT/JP2007/054034 : DECISION ON REQUEST
Int. Filing Date: 02 March 2007 :
Priority Date: 03 March 2006 :
Attorney Docket No.: Y10S018PCT-US :
For: SYSTEM FOR EVALUATING CARDIAC :
SURGERY TRAINING

This decision is issued in response to applicant's "Reply to Notification of Missing Requirements and Submission under 37 CFR 1.497(d)" dated 14 February 2011. The $130 petition fee has been submitted.

BACKGROUND

On 02 March 2007, applicant filed international application PCT/JP2007/054034 which claimed a priority date of 03 March 2006. The international application named Mitsuo Umezu, Yasuyuki Shiraishi, Hiroyasu Iwata, and Young Kwang Park as applicants/inventors. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 03 September 2008.

On 09 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States which included the basic national fee and a petition to revive. In a decision dated 15 September 2010, applicant's petition to revive was granted.

On 13 October 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. Additionally, the notification indicated that an English translation of international application was required. The notification set a two-month time limit in which to respond.

On 14 February 2011, applicant filed the required English translation of international application; a declaration executed by Young Kwang Park, Mitsuo Umezu, and Yasuyuki Shiraishi; a two month extension of time; and the present request under 37 CFR 1.497(d).

DISCUSSION

The published international application identified four applicants/inventors (Mitsuo Umezu, Yasuyuki Shiraishi, Hiroyasu Iwata, and Young Kwang Park) for the United States. The present submission seeks to correct the inventorship so as to delete inventor Hiroyasu Iwata from the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive thus changed is different from the inventive entity identified in any such oath or declaration applicant must submit:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

Applicant has satisfied items (1), (2) and (4).

Applicant has not satisfied item (1). In order to satisfy item (3), applicant is required to submit a written consent of assignee (Waseda University) to the correction in inventorship in compliance with 37 CFR 3.73(b) (See Form PTO/SB/96), or written confirmation that no assignee exists.

CONCLUSION

For the reasons discussed above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

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.

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MAY 23 2011

PCT LEGAL ADMINISTRATION

In re Application of :
UMEZU et al. :
Application No.: 12/921,462 :
PCT No.: PCT/JP2007/054034 : DECISION ON REQUEST
Int. Filing Date: 02 March 2007 :
Priority Date: 03 March 2006 :
Attorney Docket No.: Y10S018PCT-US :
For: SYSTEM FOR EVALUATING CARDIAC SURGERY TRAINING :

In a decision mailed by this Office on 14 March 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 06 April 2011, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's (14 February 2011 and 06 April 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. And applicant has submitted written confirmation that no assignee exists.

Based on the above, applicant's request to delete Hiroyasu Iwata as an inventor is appropriately granted. Based on this correction, the declaration filed on 14 February 2011 (which named Mitsuo Umezu, Yasuyuki Shiraishi, and Young Kwang Park) 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 14 February 2011.

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JAN 12 2011

PCT LEGAL ADMINISTRATION

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of:
BONTE, Alfred, Willy, et al.
U.S. Application No.: 12/921,474
PCT No.: PCT/NL2009/050124
International Filing Date: 13 March 2009
Priority Date: 14 March 2008
Attorney's Docket No.: 294-392 PCT/US
For: PROCESS FOR ISOLATING SIALIC ACID CONTAINING OLIGO-SACCHARIDES ...

DECISION
(37 CFR 1.182)

This decision is issued in response to the "Response To Notification Of Defective Response" filed 22 November 2010, treated herein as a petition under 37 CFR 1.182 to change the name of record of the second inventor from Gijsbertus KLARENBEEK to Gijsbert KLARENBEEK. Deposit Account No. 08-2461 will be charged the required $400 petition fee.

BACKGROUND

On 13 March 2009, applicants filed international application PCT/NL2009/050124. The international application claimed a priority date of 14 March 2008, and it designated the United States. On 17 September 2009, a copy 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., 14 September 2010. The published international application identified the second inventor as Gijsbertus KLARENBEEK.

On 08 September 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 and an application data sheet (ADS). The ADS identified the second inventor as Gijsbertus KLARENBEEK.

On 29 September 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 05 November 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and an executed declaration. The declaration identified the second inventor as Gijsbert KLARENBEEK.

On 09 November 2010, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed 05 November 2010 was not acceptable on the present record based on the inconsistency between the second inventor's name of record and the name listed for this inventor on the declaration.

On 22 November 2010, applicant filed the "Response To Notification Of Defective Response" treated herein as a as a petition under 37 CFR 1.182 to change the name of record for the inventor from Gijsbertus KLARENBEEK to Gijsbert KLARENBEEK.. The submission was accompanied by a revised ADS in which the second inventor's name was listed as Gijsbert KLARENBEEK.

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).

The present submission confirms that the correct given name of the second inventor is Gijsbert, as opposed to the name of record for this inventor set forth in the international application (Gijsbertus). The difference between the correct name of the inventor and the name listed on the international application is more than a mere typographical or transliteration error. Accordingly, in order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required.

Applicant's present petition includes the authorization to charge Deposit Account No. 08-2461 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 Gijsbert KLARENBEEK, as listed on the declaration and the revised ADS filed with the petition.[1] These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to change the name of record of the inventor from Gijsbertus KLARENBEEK to Gijsbert KLARENBEEK.

[1] It is noted that the ADS filed on 22 November 2010 was not submitted in compliance with the requirements for a supplemental ADS, as set forth in 37 CFR 1.76(c).

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for the first inventor from Gijsbertus KLARENBEEK to Gijsbert KLARENBEEK is **GRANTED**.

Based on this correction, the executed declaration filed 05 November 2010 is no longer defective, and may be accepted in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 05 November 2010.

/RichardMRoss/

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AUG 03 2011

PCT LEGAL ADMINISTRATION

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VALLEY FORGE PA 19482

In re Application of	:	DECISION ON
Peter FALCONE	:	
Application No: 12/921,481	:	
PCT No.: PCT/US09/36724	:	
Int. Filing Date: 11 March 2009	:	PETITION UNDER
Priority Date: 11 March 2008	:	
Attorney's Docket No.: SFP-105US	:	
For: SYSTEM AND METHOD... RATIOS	:	37 CFR 1.47(b)

This is in response to the "PETITION UNDER 37 CFR 1.47(b)" filed on 28 April 2011.

BACKGROUND

On 11 March 2009, applicants filed international application PCT/US2009/36724, which claimed priority of an earlier application filed 11 March 2008.

On 08 September 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 29 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 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." 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 28 April 2011, petitioner filed a petition under 37 CFR 1.47(b), *inter alia*, statements from Glenn Quinn, Joshua L. Cohen and Rosaleen Kelly and a declaration without the signature of the sole inventor Peter FALCONE.

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) - (6) thus completing the requirements under 37 CFR 1.47(b).

Regarding item (1), petitioner has submitted the petition fee of $200.00 under 37 CFR 1.17(g) by credit card.

Regarding item (2), the averment of Joshua L. Cohen is sufficient to support a finding that the nonsigning inventor, Mr. FALCONE refuses to sign because it is clear 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 his signature, and that the sole inventor refused to return the correspondence signed. Mr. Cohen states that a registered mail that contained a complete copy of the application papers was mailed on December 10 2010 and received by Mr. Falcone on December 11, 2010 (as signed by Mr. Falcone). A second copy of the application papers were mailed on January 31, 2011 and received by Mr. Falcone on February 5, 2011 and as the date of April 27, 2011, Mr. Falcone has not returned the required papers signed.

Regarding item (3), applicant has stated the last known address of the inventor:

Mr. Peter Falcone
41 Letitia Lane
Media, PA 19063

Regarding item (4) a declaration has been provided executed by an appropriate person, Emerson Rhodes, on behalf of the non-signing sole inventor, Peter FALCONE.

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

Regarding item (5), petitioner has submitted proof that applicant has sufficient proprietary interest in the application. Petitioner has submitted a copy of the "Covent Re Records, Proprietary Information, Patents," in which Mr. Falcone agreed to assign to SFPC inventions and all patent applications... obtain the inventions for the benefit of Seals Fluid Processing Corporation (SFPC), and statements from Mr. Quinn and Ms. Rosaleen both who have first hand knowledge that Mr. Falcone's invention was made during his employment at Seals Fluid Processing Corporation (SFPC).

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to continue national stage processing of the application.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 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

Mr. Peter Falcone
41 Letitia Lane
Media, PA 19063

MAILED

AUG 03 2011

PCT LEGAL ADMINISTRATION

In re Application of
Peter FALCONE
Application No: 12/921,481
PCT No.: PCT/US09/36724
Int. Filing Date: 11 March 2009
Priority Date: 11 March 2008
Attorney's Docket No.: SFP-105US
For: SYSTEM AND METHOD... RATIONS

Dear Mr. Falcone:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

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

MAILED

MAR 01 2011

PCT LEGAL ADMINISTRATION

Oblon, Spivak, Mcclelland Maier & Neustadt, L.L.P.
1940 Duke Street
Alexandria VA 22314

In re Application of :
TEMPLE, et al. :
Application No.: 12/921,482 :
PCT No.: PCT/US2009/033984 : REQUEST FOR REFUND
Int. Filing Date: 13 February 2008 :
Priority Date: 14 March 2008 :
Attorney Docket No.: 365861US20PCT :
For: SELECTIVE PLANARIZATION :
METHOD AND DEVICES FABRICATED
ON PLANARIZED STRUCTURES

This communication is issued in response to the unsigned communication by "Scott Lohr" filed in the United States Patent and Trademark Office on 02 December 2010.

Because the communication has not been signed by a registered practitioner, as required under 37 CFR 1.33, it will be placed in the application with no further action taken thereon. It is noted that the communication requests a refund based on the filing of the Preliminary Amendment dated 19 October 2010. However, in accordance with Manual of Patent Examining Procedure § 1893.01(c), applicants are not entitled to a refund of fees.[1]

This application is being referred to the Examiner of Technology Center AU 1713.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

[1]A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that cancels claims and/or eliminates multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f). A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid.

Doc Code: PPH.PET.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/921,492	Filing Date:	September 8, 2010
First Named Inventor:	Tsuyoshi OHTSUKI et al.		
Attorney Docket No.:	146872		
Title of the Invention:	METHOD FOR FORMING OXIDE FILM ON SILICON WAFER		

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/JP2009/001281

The international date of the corresponding PCT application(s) is/are: March 24, 2009

I. **List of Required Documents:**

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/921,492
First Named Inventor:	Tsuyoshi OHTSUKI et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on September 8, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

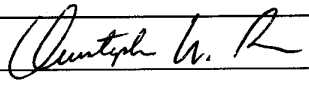
☒ Have already been filed in the above-identified U.S. application on September 8, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-6 are canceled		
7-9	1-3	Claims 7-9 of the U.S. application correspond identically to claims 1-3, respectively, of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application.
10-12	4	Claims 10-12 of the U.S. application correspond to claim 4 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 4 of the PCT application is a multiple dependent claim depending from each of claims 1-3. Claim 10 of the U.S. application depends from claim 7 (corresponding to PCT application claim 1). Claim 11 of the U.S. application depends from claim 8 (corresponding to PCT application claim 2). Claim 12 of the U.S. application depends from claim 9 (corresponding to PCT application claim 3). Claims 10-12 are thus individually dependent claims corresponding to multiple dependent claim 4 of the PCT application.
13-15	5	Claims 13-15 of the U.S. application correspond to claim 5 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 5 of the PCT application depends from multiple dependent claim 4. Claim 13 of the U.S. application depends from claim 10 (corresponding to PCT application claim 4). Claim 14 of the U.S. application depends from claim 11 (corresponding to PCT application claim 4). Claim 15 of the U.S. application depends from claim 12 (corresponding to PCT application claim 4). Claims 13-15 are thus individually dependent claims corresponding to claim 5 of the PCT application.

16-24	6	Claims 16-24 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 each of claims 1-5. Claim 16 of the U.S. application depends from claim 7 (corresponding to PCT application claim 1). Claim 17 of the U.S. application depends from claim 8 (corresponding to PCT application claim 2). Claim 18 of the U.S. application depends from claim 9 (corresponding to PCT application claim 3). Claim 19 of the U.S. application depends from claim 10 (corresponding to PCT application claim 4). Claim 20 of the U.S. application depends from claim 11 (corresponding to PCT application claim 4). Claim 21 of the U.S. application depends from claim 12 (corresponding to PCT application claim 4). Claim 22 of the U.S. application depends from claim 13 (corresponding to PCT application claim 5). Claim 23 of the U.S. application depends from claim 14 (corresponding to PCT application claim 5). Claim 24 of the U.S. application depends from claim 15 (corresponding to PCT application claim 5). Claims 16-24 are thus individually dependent claims corresponding to multiple dependent claim 6 of the PCT application.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date February 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.

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)
(PCT Rule 44bis.1(c))

To:

YOSHIMIYA, Mikio
1st Shitaya Bldg. 8F
6-11, Ueno 7-chome
Taito-ku, Tokyo
1100005
JAPON

Date of mailing *(day/month/year)*	
04 November 2010 (04.11.2010)	
Applicant's or agent's file reference	IMPORTANT NOTICE
08F00022WO	

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/001281	24 March 2009 (24.03.2009)	25 April 2008 (25.04.2008)

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

Facsimile No. +41 22 338 82 70

Authorized officer
Masashi Honda

e-mail: pt08.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 08F00022WO	FOR FURTHER ACTION	See item 4 below
International application No. PCT/JP2009/001281	International filing date *(day/month/year)* 24 March 2009 (24.03.2009)	Priority date *(day/month/year)* 25 April 2008 (25.04.2008)
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 28 October 2010 (28.10.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

Form PCT/IB/373 (January 2004)

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
好宮幹夫
様

あて名
〒110-0005
日本国東京都台東区上野７丁目６番１１号第一下谷ビル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)　16.06.2009	
出願人又は代理人 の書類記号　08F00022WO	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／JP2009／001281	国際出願日 (日.月.年)　24.03.2009
優先日 (日.月.年)　25.04.2008	
国際特許分類（IPC）Int.Cl. H01L21/316(2006.01)i, H01L21/86(2006.01)i	
出願人（氏名又は名称） 信越半導体株式会社	

1．この見解書は次の内容を含む。

- ☑ 第Ⅰ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

2．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT／ISA／220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT／ISA／220を参照すること。

3．さらなる詳細は、様式PCT／ISA／220の備考を参照すること。

見解書を作成した日 05.06.2009		
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） 今井　淳一 電話番号　03－3581－1101　内線　3471	4R　9055

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／JP2009／001281

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／JP2009／001281

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	1－6	有
	請求項		無
進歩性（ＩＳ）	請求項	1－6	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1－6	有
	請求項		無

2.　文献及び説明

文献１：JP 10-79376 A（テキサス　インスツルメンツ　インコーポレイテツド）1998.03.24, & US 6020247 A & EP 828287 A2

文献２：JP 5-13395 A（大見　忠弘）1993.01.22, & EP 592671 A1 & WO 1993/001615 A1

請求の範囲第１－６項に対して

文献１には、酸化膜形成後の熱処理によってＳｉ表面のＲｍｓが０．０５ｎｍ以下になる点が記載されており、文献２には、酸化膜を除去した後にＲａが０．２ｎｍに維持されるようにエッチングした上で、１０ｎｍ厚さの酸化膜を形成ることが記載されているが、Ｒａの測定値に基づいて酸化速度を制御することは記載も示唆もされていない。

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 08F00022WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/001281	International filing date *(day/month/year)* 24 March 2009 (24.03.2009)	Priority date *(day/month/year)* 25 April 2008 (25.04.2008)
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 13 December 2010 (13.12.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

TRANSLATION

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 08F00022WO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/001281	24.03.2009	25.04.2008

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/JP2009/001281

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/JP2009/001281

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 10-79376 A (Texas Instruments Inc.), 24 March 1998 & US 6020247 A & EP 828287 A2

Document 2: JP 5-13395 A (Tadahiro OMI), 22 January 1993 & EP 592671 A1 & WO 1993/001615 A1

Claims 1-6

Document 1 describes the RMS of a silicon surface being reduced to 0.05 nm or less by heat treatment after oxide film formation, and document 2 describes the formation of an oxide film with a thickness of 10 nm, after the removal of an oxide film and etching such that an Ra of 0.2 nm is maintained; however, the documents do not indicate or suggest that the oxidation rate is controlled on the basis of a measured Ra value.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Tsuyoshi OHTSUKI et al.

Application No.: 12/921,492

Filed: September 8, 2010

For: METHOD FOR FORMING OXIDE FILM ON SILICON WAFER

Group Art Unit:

Examiner:

Docket No.: 146872

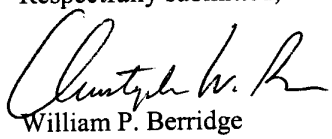
TRANSMITTAL OF CLAIMS AND TRANSLATION, AND AFFIRMATION OF ACCURACY OF TRANSLATION OF CLAIMS

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/JP2009/001281 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] シリコンウェーハの酸化膜形成方法であって、予め、シリコンウェーハの表面ラフネス、及び／又は、シリコンウェーハ表層部の結晶性を測定し、該測定値より前記シリコンウェーハの酸化条件を調整して、該調整した酸化条件下で前記シリコンウェーハに酸化膜を形成することを特徴とするシリコンウェーハの酸化膜形成方法。

[2] 前記シリコンウェーハの表面ラフネスの測定を、ＡＦＭにより前記シリコンウェーハの表面ラフネスのＲａ値を測定することにより行うことを特徴とする請求項１に記載のシリコンウェーハの酸化膜形成方法。

[3] 前記測定した表面ラフネスのＲａ値が、０．１７ｎｍ以下であるか否かにより前記シリコンウェーハの酸化条件を調整することを特徴とする請求項２に記載のシリコンウェーハの酸化膜形成方法。

[4] 前記シリコンウェーハ表層部の結晶性の測定を、Ｘ線回折測定により得られるロッキングカーブの半値幅を測定することにより行うことを特徴とする請求項１乃至請求項３のいずれか一項に記載のシリコンウェーハの酸化膜形成方法。

[5] 前記測定したロッキングカーブの半値幅が、０．０００７４° 以下であるか否かにより前記シリコンウェーハの酸化条件を調整することを特徴とする請求項４に記載のシリコンウェーハの酸化膜形成方法。

[6] 前記形成する酸化膜の厚さを、５ｎｍ以下の厚さにすることを特徴とする請求項１乃至請求項５のいずれか一項に記載のシリコンウェーハの酸化膜形成方法。

CLAIMS

1. A method for forming an oxide film on a silicon wafer, comprising: measuring surface roughness of the silicon wafer and/or crystallinity in a surface layer portion of the silicon wafer in advance; adjusting oxidizing conditions for the silicon wafer based on the measurement value; and forming the oxide film on the silicon wafer under the adjusted oxidizing conditions.

2. The method for forming an oxide film on a silicon wafer according to claim 1, wherein the surface roughness of the silicon wafer is measured by using an AFM to measure an Ra value of the surface roughness of the silicon wafer.

3. The method for forming an oxide film on a silicon wafer according to claim 2, wherein the oxidizing conditions for the silicon wafer are adjusted based on whether the measured Ra value of the surface roughness is not more than 0.17 nm.

4. The method for forming an oxide film on a silicon wafer according to any one of claims 1 to 3, wherein the crystallinity in the surface layer portion of the silicon wafer is measured by measuring a full width at half maximum of a rocking curve obtained by X-ray diffraction measurement.

5. The method for forming an oxide film on a silicon wafer according to claim 4, wherein the oxidizing conditions for the silicon wafer are adjusted based on

whether the measured full width at half maximum of the rocking curve is not more than 0.00074°.

6. The method for forming an oxide film on a silicon wafer according to any one of claims 1 to 5, wherein a thickness of the oxide film to be formed is set to 5 nm or below.

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.
12/921,492	09/08/2010	Tsuyoshi Ohtsuki	146872	3287

25944 7590 03/23/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
CAMPBELL, SHAUN M	
ART UNIT	**PAPER NUMBER**
2829	

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
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	**: DECISION ON REQUEST TO**
OHTSUKI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/921,492	**: PROSECUTION HIGHWAY**
Filed: 08 September 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 146872	**: TO MAKE SPECIAL UNDER**
For: METHOD FOR FORMING OXIDE FILM ON SILICON WAFER	**: 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 18 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
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MAILED

JUL 06 2011

PCT LEGAL ADMINISTRATION

Oliff & Berridge, PLC
P.O. Box 320850
Alexandria VA 22320-4850

In re Application of :
NEGRE, et al. :
PCT No.: PCT/IB2009/051054 : DECISION ON PETITION
Application No.: 12/921,501 :
Int. Filing Date: 13 March 2009 : UNDER 37 CFR 1.47(a)
Priority Date: 14 March 2008 :
Atty. Docket No.: 143089 :
For: A METHOD OF REGULATING CSF DRAINAGE :

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 13 May 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 March 2009, applicant filed international application PCT/IB2009/051054 which claimed priority to an earlier application filed 14 March 2008. A copy of the international application was communicated from the International Bureau (IB) to the United States on 17 September 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 14 September 2010.

On 08 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1), an application data sheet, an English translation of the international application; and a preliminary amendment.

On 13 May 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) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 13 March 2009 under 35 U.S.C. 363, and will be given a date of **13 May 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Olivier Bonnal
Hopfnort 28, 34212
Melsungel
GERMANY

MAILED

JUL 06 2011

PCT LEGAL ADMINISTRATION

In re Application of
NEGRE, et al.
PCT No.: PCT/IB2009/051054
Application No.: 12/921,501
Int. Filing Date: 13 March 2009
Priority Date: 14 March 2008
Atty. Docket No.: 143089
For: A METHOD OF REGULATING CSF DRAINAGE

Dear Mr. Bonnal:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of record:
Oliff & Berridge, PLC
P.O. Box 320850
Alexandria VA 22320-4850
UNITED STATES OF AMERICA

Patent
Attorney's Docket No. 1033192-000060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	Group Art Unit: Unassigned
Ryujiro AKIZUKI et al.	Confirmation No.: Unassigned
Application No.: Unassigned	
Filed: September 8, 2010	
For: VEHICLE DOOR LOCK DEVICE	

SUBMISSION OF REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY PROGRAM BETWEEN THE USPTO AND THE JPO BASED ON PCT WORK PRODUCTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the U.S. Patent and Trademark Office Notice signed on January 23, 2010 setting forth the Patent Prosecution Highway Pilot Program between the United States Patent and Trademark Office and the Japan Patent Office based on Patent Cooperation Treaty Work Products (hereinafter "Notice"), submitted with this paper is a Request for Participation in the PCT-PPH Pilot Program between the JPO and the USPTO (hereinafter "Request"). The accompanying Request requests participation in the PCT-PPH Program and petitions to make this application special under the PCT-PPH program.

This application is the U.S. national stage application of International Application No. PCT/JP2009/054768 (hereinafter "corresponding international application"). Accordingly, the relationship between this U.S. application for which participation in the PCT-PPH pilot program is requested, and the corresponding international application satisfies requirement B(1)(a) illustrated in the Notice.

Applicants have therefore fully complied with the requirement of identifying the relationship between this U.S. application and the PCT application.

The latest work product of the Japan Patent Office (JPO) in the corresponding international application, namely the Written Opinion of the International Searching Authority (hereinafter "Written Opinion"), states that all of the claims in the corresponding international application satisfy the requirements of novelty, inventive step, and industrial application. A copy of the Written Opinion constituting the latest work product of the Japan Patent Office (JPO) in the corresponding international application is attached, together with an English language translation of the Written Opinion.

Also submitted is a copy of the claims from the corresponding international application which the Written Opinion states satisfy the novelty, inventive step and industrial applicability requirements. These claims are accompanied by an English language translation of the claims.

The English language translation of the Written Opinion and the English language translation of the claims are accompanied by a statement that the English language translations are accurate.

Claims 1-10 in this U.S. national stage application are identical to the claims in the corresponding international application, except that Claims 5, 6 and 10 in this U.S. national stage application are amended to eliminate multiple dependencies. New Claims 11-20 are the same as Claims 5, 6, 7, 8, 5, 6, 7, 8, 10 and 10 respectively, except for differences in dependencies.

The accompanying Request includes a claims correspondence table indicating how the claims in this U.S. national stage application correspond to the

claims in the corresponding international application. The documents cited in the Written Opinion are listed in the Information Disclosure Statement filed with this application, and copies of the listed documents, other than the U.S. patents and U.S. patent application publications, are provided.

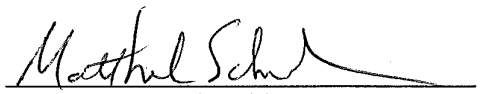
Submitted with the Request is the required petition fee under 37 C.F.R. § 1.17(h).

The Director is hereby authorized to charge any other appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

If any questions arise concerning this matter, the undersigned attorney can be contacted at the telephone number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 8, 2010 By: 

Matthew L. Schneider
Registration No. 32814

Customer No. 21839
703 836 6620

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.:	Unassigned	Filing date:	September 8, 2010
First Named Inventor:	Ryujiro AKIZUKI		
Title of the Invention:	VEHICLE DOOR LOCK 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 the 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/JP2009/054768

The international date of the corresponding PCT application(s) is/are: March 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 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.

Document Description: Petition to make special under Patent Pros Hwy

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.:	Unassigned
First Named Inventor:	Ryujiro AKIZUKI

d. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☒ Is attached.

☐ Has already been filed in the above identified U.S. application on _____

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

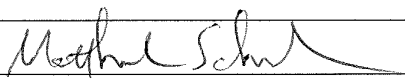
☒ Are attached.

☐ Have already been filed in the above identified U.S. application on _____

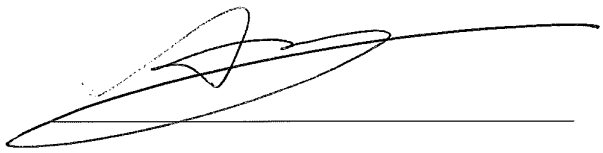
II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US claim 1 same as PCT claim 1.
2	2	US claim 2 same as PCT claim 2.
3	3	US claim 3 same as PCT claim 3.
4	4	US claim 4 same as PCT claim 4.
5	5	US claim 5 same as PCT claim 5, except for dependency.
6	6	US claim 6 same as PCT claim 6, except for dependency.
7	7	US claim 7 same as PCT claim 7.
8	8	US claim 8 same as PCT claim 8.
9	9	US claim 9 same as PCT claim 9.
10	10	US claim 10 same as PCT claim 10, except for dependency.
11	5	US claim 11 same as claim 5, but different dependency.
12	6	US claim 12 same as claim 6, but different dependency.
13	7	US claim 13 same as claim 7, but different dependency.
14	8	US claim 14 same as claim 8, but different dependency.
15	5	US claim 15 same as claim 5, but different dependency.
16	6	US claim 16 same as claim 6, but different dependency.
17	7	US claim 17 same as claim 7, but different dependency.
18	8	US claim 18 same as claim 8, but different dependency.
19	10	US claim 19 same as claim 10, but different dependency.
20	10	US claim 20 same as claim 10, but different dependency.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature		Date	September 8, 2010
Name (Print/Typed)	Matthew L. Schneider	Registration Number	32,814

I, Akira Yamada, hereby state that I am knowledgeable in the Japanese and English languages and that the attached document is, to the best of my knowledge and belief, a true and accurate English translation of the Written Opinion of the International Searching Authority issued in the International Application No. PCT/JP2009/054768 and of the claims attached to that Written Opinion of the International Searching Authority.



August 30, 2010

Date

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
恩田　博宣

恩田 '09.5.27 特許

様

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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)　26. 05. 2009	
出願人又は代理人 の書類記号　P3P2009045	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
PCT／JP2009／054768	(日.月.年)　12. 03. 2009	(日.月.年)　18. 04. 2008

国際特許分類（IPC）Int.Cl. E05B65/20(2006.01)i, B60J5/00(2006.01)i

出願人（氏名又は名称）
アイシン精機　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
14. 05. 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）　2R　3611
▲高▼木　尚哉
電話番号　03－3581－1101　内線　3285

国際調査機関の見解書

国際出願番号 PCT／JP2009／054768

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／JP2009／054768

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	1-10	有
	請求項		無
進歩性（ＩＳ）	請求項	1-10	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1-10	有
	請求項		無

2． 文献及び説明

請求項１－１０に係る発明は、国際調査報告で引用されたいずれの文献にも記載されておらず、新規性を有する。特に、本願の特徴点である「ロッキングレバーが、アンロック位置にあるときには、移動体の移動範囲がアンセット位置及びセット位置間に規制されるように切替レバーの動きを制限すべく、移動体のセット位置にあるロッキングレバーの第１係合片に切替レバーの第２係合片が係合し、ロッキングレバーがロック位置にあるときには、切替レバーが移動体をアンセット位置及びダブルロック位置間で移動させるのを許容すべく、第１係合片が第２係合片に係合しない位置に配置される」ように構成した点は、いずれの文献にも開示されていない。

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

ONDA Hironori
12-1, Ohmiya-cho 2-chome
Gifu-shi, Gifu 5008731
JAPAN

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	26. 05. 2009
Applicant's or agent's file reference P3P2009045	FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/054768	12. 03. 2009	18. 04. 2008

International Patent Classification (IPC) or both national classification and IPC
Int.Cl. E05B65/20(2006. 01)i, B60J5/00(2006.01)i

Applicant
AISHIN SEIKI KABUSHIKI KAISHA

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/ Japan Patent Office (ISA/JP) 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915 Facsimile No.	Date of completion of this opinion 14. 05. 2009	Authorized officer Naoya Takagi Telephone No. 03-3581-1101Ext.3285

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/054768

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed.

   ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of a 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/JP2009/054768

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations:

The inventions of Claims 1-10 are not described in any of the documents cited in the International Search Report, and have novelty. In particular, any of the documents do not disclose a configuration such that "when a locking lever is located at an unlock position, a second engagement piece of a switching lever engages with a first engagement piece of a locking lever located at a set position of a movable body to limit movement of the switching lever so that movement of the movable body is restricted within a range between an unset position and the set position, and when the locking lever is located at a lock position, the first engagement piece is arranged at a position avoiding engagement with the second engagement piece to allow the switching lever to move the movable body between the unset position and a double lock position", which is a feature of the present invention.

請求の範囲

[1] 車両ドアを車両ボデーに対して閉状態に保持するラッチ機構と、

車両の室内から操作可能なインサイドレバーと、

前記ラッチ機構及び前記インサイドレバーに連係され、前記ラッチ機構による前記車両ドアの閉状態の保持を解除可能なインサイドオープンレバーと、

前記車両ドアが前記車両ボデーに対して開可能状態になるように前記ラッチ機構を動作させるべく前記インサイドオープンレバーの動き及び車両の外からの操作力を前記ラッチ機構に伝達可能なアンロック位置と、前記インサイドオープンレバーの動き及び車両の外からの操作力を前記ラッチ機構に伝達不能なロック位置とに切り替え自在なロッキングレバーと、

前記ロッキングレバーが前記アンロック位置にあるときに前記インサイドレバーの動きを前記インサイドオープンレバーに伝達可能とするアンセット位置と、前記ロッキングレバーが前記アンロック位置にあるときに前記インサイドレバーの動きを前記インサイドオープンレバーに伝達不能とするセット位置と、前記ロッキングレバーが前記ロック位置にあるときに前記インサイドレバーの動きを前記インサイドオープンレバーに伝達不能とするダブルロック位置とに移動可能な移動体と、

電気的駆動部と、

前記移動体に連係され、前記移動体を移動させるように前記電気的駆動部によって駆動される切替レバーと、

前記ロッキングレバーに設けられた第1係合片及び前記切替レバーに設けられた第2係合片と、を備え、

前記ロッキングレバーが前記アンロック位置にあるときには、前記移動体の移動範囲が前記アンセット位置及び前記セット位置間に規制されるよう前記切替レバーの動きを制限すべく、前記移動体のセット位置にある前記第1係合片に前記第2係合片が係合し、

前記ロッキングレバーが前記ロック位置にあるときには、前記切替レバーが前記移動体を前記アンセット位置及び前記ダブルロック位置間で移動させるのを許容すべく、前記第1係合片が前記第2係合片に係合しない位置に配置される車両用ドアロック

装置。

[2] 前記車両ドアに連結され、前記移動体を摺動自在に支持する中間レバーをさらに備え、

前記移動体は、前記切替レバーの動きに伴い該切替レバーに押圧され、それにより、前記中間レバーを摺動しつつ、前記アンセット位置、前記セット位置及び前記ダブルロック位置の間で移動する請求項1に記載のドアロック装置。

[3] 前記中間レバーは、前記移動体が前記セット位置にあるときに該移動体を介して前記インサイドレバーと一体動作するように、該インサイドレバーに連係されており、前記中間レバーは押圧片を有し、

前記ロッキングレバーに連係される解除レバーをさらに備え、前記移動体が前記セット位置にある状態で前記ロッキングレバーが前記ロック位置に移動したとき、解除レバーは、前記インサイドレバーの動きに伴い前記押圧片に押圧され、それにより、前記ロッキングレバーを前記アンロック位置に移動させるべく動作する

請求項2に記載のドアロック装置。

[4] 前記解除レバーは、前記移動体が前記アンセット位置にあり、且つ、前記ロッキングレバーが前記ロック位置にあるとき、前記インサイドレバーの動きに伴い前記押圧片に押圧され、それにより、少なくとも前記ロッキングレバーを前記アンロック位置に移動させるべく動作する請求項3に記載のドアロック装置。

[5] 前記インサイドレバー、前記インサイドオープンレバー及び前記中間レバーは、単一の軸線周りで回転可能に前記車両ドアに支持されている請求項2～4のいずれか一項に記載のドアロック装置。

[6] 前記移動体を前記アンセット位置、前記セット位置及び前記ダブルロック位置に保持するべく前記切替レバーを選択的に保持する付勢部材をさらに備える請求項1～5のいずれか一項に記載のドアロック装置。

[7] 前記切替レバーは、前記電気的駆動部の駆動力と前記付勢部材の付勢力とにより、前記ロッキングレバーのアンロック位置又はロック位置に応じて、前記移動体のアンセット位置、セット位置又はダブルロック位置に相当する回動位置に選択的に切り替えられる請求項6に記載のドアロック装置。

[8] 前記付勢部材は節度スプリングである請求項7に記載のドアロック装置。

[9] 前記ロッキングレバーが前記アンロック位置にあるときには、前記第1係合片が前記第2係合片の移動軌跡内に配置され、前記ロッキングレバーが前記ロック位置にあるときには、前記第1係合片が前記第2係合片の移動軌跡外に配置される請求項1に記載のドアロック装置。

[10] 前記移動体は、前記アンセット位置と前記ダブルロック位置との間を、前記セット位置を経て移動可能である請求項1～9のいずれか一項に記載のドアロック装置。

CLAIMS:

1. A door lock device for a vehicle comprising:

a latch mechanism that holds a vehicle door in a closed state with respect to a vehicle body;

an inside lever operable from a passenger compartment of the vehicle;

an inside open lever linked to the latch mechanism and the inside lever and capable of releasing the vehicle door from the closed state held by the latch mechanism;

a locking lever freely switchable to an unlock position, which enables transmission of movement of the inside open lever and operation force from outside the vehicle to the latch mechanism in order to operate the latch mechanism so that the vehicle door is permitted to open from the vehicle body, and a lock position, which disables the transmission of the movement of the inside open lever and the operation force from outside the vehicle to the latch mechanism;

a movable body movable to an unset position, which enables transmission of movement of the inside lever to the inside open lever when the locking lever is located at the unlock position, a set position, which disables the transmission of the movement of the inside lever to the inside open lever when the locking lever is located at the unlock position, and a double lock position, which disables the transmission of the movement of the inside lever to the inside open lever when the locking lever is located at the lock position;

an electrical drive unit;

a switching lever linked to the movable body and driven by the electrical drive unit to move the movable body; and

a first engagement piece arranged on the locking lever and a second engagement piece arranged on the switching

lever;

wherein when the locking lever is located at the unlock position, the second engagement piece engages with the first engagement piece located at the set position of the movable body to limit movement of the switching lever so that movement of the movable body is restricted within a range between the unset position and the set position; and

when the locking lever is located at the lock position, the first engagement piece is arranged at a position avoiding engagement with the second engagement piece to allow the switching lever to move the movable body between the unset position and the double lock position.

2. The door lock device according to claim 1, further comprising:

a middle lever connected to the vehicle door and slidably supporting the movable body;

wherein the movable body is pushed by the switching lever as the switching lever moves thereby moving between the unset position, the set position, and the double lock position while sliding the middle lever.

3. The door lock device according to claim 2, wherein the middle lever is linked to the inside lever by the movable body when the movable body is located at the set position so as to move integrally with the inside lever, and the middle lever includes a pushing piece, the door lock device further comprising:

a release lever linked to the locking lever, in which the release lever is pushed by the pushing piece as the inside lever moves when the locking lever moves to the lock position in a state in which the movable body is located at the set position and thereby operates to move the locking

lever to the unlock position.

4. The door lock device according to claim 3, wherein the release lever is pushed by the pushing piece as the inside lever moves when the movable body is located at the unset position and the locking lever is located at the lock position and thereby operates to move at least the locking lever to the unlock position.

5. The door lock device according to any one of claims 2 to 4, wherein the inside lever, the inside open lever, and the middle lever are supported by the vehicle door rotatably about the same axis.

6. The door lock device according to any one of claims 1 to 5, further comprising:

an urging member that selectively holds the switching lever to hold the movable body at the unset position, the set position, and the double lock position.

7. The door lock device according to claim 6, wherein the switching lever is selectively switched to pivotal positions corresponding to the unset position, set position, or double lock position of the movable body in accordance with the unlock position or lock position of the locking lever by a drive force of the electrical drive unit and an urging force of the urging member.

8. The door lock device according to claim 7, wherein the urging member is a restraining spring.

9. The door lock device according to claim 1, wherein the first engagement piece is arranged in a movement path of

the second engagement piece when the locking lever is located at the unlock position, and the first engagement piece is arranged outside the movement path of the second engagement piece when the locking lever is located at the lock position.

10. The door lock device according to any one of claims 1 to 9, wherein the movable body is movable, via the set position, between the unset position and the double lock position.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC - 2 2010

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re application of
Akizuki et al.
Application No. 12/921,548
Filed: September 8, 2010
For: VEHICLE DOOR LOCK DEVICE

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 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 the petition being properly submitted via EFS-Web as is required, and the preliminary amendment of September 8, 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: 12/01/10

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.
12/921,548	09/08/2010	Ryujiro Akizuki	1033192-000060	3794

21839 7590 12/02/2010

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
MERLINO, ALYSON MARIE	
ART UNIT	PAPER NUMBER
3673	

NOTIFICATION DATE	DELIVERY MODE
12/02/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
offserv@bipc.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC - 1 2010

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re application of
Akizuki et al.
Application No. 12/921,548
Filed: September 8, 2010
For: VEHICLE DOOR LOCK DEVICE

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(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 the petition being properly submitted via EFS-Web as is required, and the preliminary amendment of September 8, 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: 12/01/10

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Pak Chuen Chang
30 Lorong Kurau 9
Taman Sg. Abong
84000 Muar, Johor
Malaysia

MAILED

FEB 10 2012

OFFICE OF PETITIONS

In re Application of :
Chang :
Application No. 12/921,576 :
International Filing Date: February 11, 2009 :
Attorney Docket No. AD_ML03 :

This is a decision on the letter from Darren Gardner, reg. no 54,113, filed January 10, 2012, stating that he is not associated with customer numbers: 69109; 14776; 69373; 72136; 92958 and 14392.

Applicant has specified that the power of attorney should be associated with customer number 72136 and that all correspondence for the above-identified application should be sent to the address associated with customer number 72136, which is ANDERSON TMP, INC, 1903 60 TH PLACE E, SUITE M5103, BRADENTON FL. The USPTO normally mails correspondence directly to the applicants, unless they are represented by an individual registered to practice before the USPTO. In order to practice before the USPTO, an attorney and/or agent must have a valid USPTO registration number as specified in 37 C.F.R. §132; *Manual of Patent Examination Procedure* (MPEP) §402. Mr. Gardner, the registered practitioner associated with the above indicated customer number (72136) has indicated to the Office that he is not associated with the customer number and has not had any involvement with the applications associated with the customer number.

Darren Gardner has been removed from the Customer Number associated with this application. Applicant is reminded that there is no attorney of record at this time.

Therefore, the designation of the customer number, which lists Mr. Gardner as having power of attorney and the correspondence address is void, *ab initio*. We will not recognize the appointment and all correspondence concerning this application must be signed by: 1) all named applicants (inventors), 2) all the owners of the rights to the invention, or 3) a registered attorney or agent duly appointed by the inventor(s) or the owner(s). Furthermore, all communications from the Office will be addressed to the first named inventor, unless specific instructions to the contrary are supplied by the applicant(s) for patent or owner(s).

While an applicant may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is, therefore, encouraged to secure the services of a registered patent attorney or agent (i.e., registered to practice before the U.S. Patent and Trademark Office) to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution.

Since, it appears that applicant is not currently represented by, and if he wishes to obtain the services of, a registered attorney or agent, a listing of registered patent attorneys and agents is available online at https://oedci.uspto.gov/OEDCI/, or by calling the Office of Enrollment and Discipline at (571) 272-4097. Applicant may also obtain a list of registered patent attorneys and agents located in their area by writing to Mail Stop OED, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450. The Office cannot, however, aid in selecting an attorney or agent.

Information concerning the filing and/or prosecution of a patent application in the absence of an attorney or agent, including how to obtain forms, is available online at www.uspto.gov, or at the direct link for the Inventors Assistance Center http://www.uspto.gov/web/offices/pac/dapp/pacmain.html. The Inventors Assistance Center may also be contacted by calling (800) 786-9199, and by asking the operator for the Inventors Assistance Center.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7709. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Mark Polutta /
Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: ANDERSON TMP , INC
1903 60 TH PLACE E
SUITE M5103
BRADENTON FL

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 65504-009US1	Application Number (if known): 12/921,584	Filing date: September 9, 2010
First Named Inventor: Sean Dennis Simpson		
Title: MICROBIAL ALCOHOL PRODUCTION PROCESS		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature	Date November 29, 2010
Name (Print/Typed) Faustino A. Lichauco	Registration Number 41,942

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

X *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.: 65504-009US1
Client Ref. No.: TIS 507754USPR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Sean Dennis Simpson et al.	Art Unit	: Not yet assigned
Serial No.	: 12/921,584	Examiner	: Not yet assigned
Filed	: September 9, 2010	Conf. No.	: 4398
Title	: MICROBIAL ALCOHOL PRODUCTION PROCESS		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT

Applicant requests that this application be made special pursuant to the Pilot Program for Green Technologies as set forth in the Federal Register.[1]

The invention is believed to be eligible for the Pilot Program because of its material contribution to the development of renewable energy resources and the reduction of greenhouse gas emissions, specifically the generation of fuel alcohols from carbon monoxide (CO) via a fermentation process and the reduction of greenhouse gases produced during the fermentation processes.

In broad terms, the invention relates to the use of carbon monoxide as a substrate in a fermentation process to produce useful products such as fuel alcohols. More specifically, a carbon monoxide-containing gas that is obtained as a waste product of an industrial process is used as a substrate in an anaerobic fermentation to produce one or more alcohols from corresponding acids.

The methods claimed are intended to reduce the total atmospheric carbon emissions from an industrial process and is achieved by the various claimed methods by capturing carbon from waste gas streams, such as those emitted from steel mills. The waste gas streams from steel mills are often flared off (burnt) to produce significant quantities of carbon dioxide – a greenhouse gas. It will be appreciated that such industrial plants contribute significantly to greenhouse gas emissions and the methods described herein enable the carbon to be captured to generate useful products. This

[1] 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., 75 Fed. Reg. 98 (May 21, 2010), and 75 Fed. Reg. 217, page 69049 (Nov. 10, 2010).

reduces the emission of the greenhouse gases and limits the damaging effects that they have on the environment.

Also provided by the invention are methods of maximizing the efficiency of the reaction (and henceforth the carbon captured), for example by optimizing the pressure or gas ratios.

Accordingly, the subject matter of this application plays a material role in the development of renewable energy resources and the reduction of greenhouse gas emissions. Applicant therefore requests that the examination be accelerated under the Pilot Program.

Pursuant to the requirements of the Pilot Program, please apply the $300 publication fee to Deposit Account no. 50-4189, referencing attorney docket no. 65504-009US1.

Respectfully submitted,

Date: November 29, 2010

Faustino A. Lichauco
Reg. No. 41,942

Customer No. 69713
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2533
Facsimile: (617) 500-2499

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/921,584	11/23/2010	Sean Dennis Simpson	65504-009US1	4398

69713 7590 01/10/2011

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER	
ART UNIT	PAPER NUMBER
1632	

NOTIFICATION DATE	DELIVERY MODE
01/10/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@ORTPATENT.COM

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JAN 1 0 2011

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of	:	
SIMPSON, Sean *et al.*	:	DECISION ON PETITION
Application No. 12/921584	:	TO MAKE SPECIAL UNDER
Filed: November 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 65504-009US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 29th, 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 1632 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: PPH.PET.652
Document Description: Petition to make special under PCT-Patent Pros Hwy PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.:	12/921,628	Filing Date:	September 9, 2010
First Named Inventor:	Ben SLAGER		
Attorney Docket No.:	146649		
Title of the Invention:	PHOTOVOLTAIC 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/EP2009/052548

The international date of the corresponding PCT application(s) is/are: March 4, 2009

I. **List of Required Documents:**

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/921,628
First Named Inventor:	Ben SLAGER

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
1-14	1-14	Claims 1-14 in the U.S. Application correspond, respectively, to claims 1-14 in the EPO Application, but are amended to remove multiple dependencies, for antecedence, and for compliance with U.S. claims practice. Claims 1-14 were found to meet the requirements of the PCT for novelty, inventive step and industrial applicability. See Box No. V of the attached International Preliminary Report On Patentability.
1	1	Claim 1 was cited in Box No. VIII regarding clarity. Specifically, for compliance with Article 6 of the PCT, it is indicated that claim 1 may recite "the geometrical structures exhibit a base and a single apex...". See Box. No. VIII of the attached International Preliminary Report On Patentability. Claim 1 in the U.S. Application recites, in relevant part, "wherein the geometrical structures comprise a base and a single apex that are connected by at least three n-polygonal surfaces...". In U.S. claims practice, the "comprise" phrase is clear, and no revision to recite "exhibit" should be required to make the base "apparent" as required by article 6 PCT. The observations in Box No. VIII in the International Preliminary Report on Patentability are not applicable to the U.S. claims.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date September 23, 2010
Name (Print/Typed) William P. Berridge	Registration Number 30,024
Name (Print/Typed) Andrew B. Whitehead	Registration Number 61,989

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.

Latest International Work Product

-

International Preliminary Report on Patentability

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CSN 2747 WO	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. PCT/EP2009/052548	International filing date *(day/month/year)* 04.03.2009	Priority date *(day/month/year)* 10.03.2008
International Patent Classification (IPC) or national classification and IPC INV. H01L31/0236		
Applicant Photon BV		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☐ *sent to the applicant and to the International Bureau)* a total of sheets, as follows:
      ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3*bis* of Annex C of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
2009-07-30	31.05.2010
Name and mailing address of the international preliminary examining authority: European Patent Office Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized officer Le Meur, M Telephone No. +49 30 25901-770

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2009/052548

Box No. I Basis of the report

1. With regard to the **language**, this report is based on

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:

   ☐ international search (under Rules 12.3(a) and 23.1(b))
   ☐ publication of the international application (under Rule 12.4(a))
   ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-16 as originally filed

Claims, Numbers

1-14 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

☐ a sequence listing - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

   ☐ the description, pages
   ☐ the claims, Nos.
   ☐ the drawings, sheets/figs
   ☐ the sequence listing *(specify)*:
   ☐ any table(s) related to sequence listing *(specify)*:

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

   ☐ the description, pages
   ☐ the claims, Nos.
   ☐ the drawings, sheets/figs
   ☐ the sequence listing *(specify)*:

5. ☐ 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 70.2 (e)).

6. ☐ Supplementary international search report(s) from Authority(ies) have been received and taken into account in drawing up this report (Rule 45bis.8(b) and (c)).

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-14
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-14
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-14
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Reference is made to the following documents:

D1: CH 693 771 A5 (INTERFLOAT CORP [LI]) 30 January 2004 (2004-01-30)

D2: JP 10 163513 A (NIPPON TELEGRAPH & TELEPHONE) 19 June 1998 (1998-06-19)

-

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. D1 is regarded as being the prior art closest to the subject-matter of claim 1, and discloses a photovoltaic device of the thin film type comprising an active layer in which both surfaces of the glass plate are in the shape of an array of defined and repeating geometrical structures, wherein the geometrical structures comprise a base and a single apex (see figures 3a-3h).

The subject-matter of claim 1 therefore differs from this known device in that the base and single apex of the geometrical structure are connected by at least three n-polygonal surfaces where n is equal to 4 or higher, and is therefore new (Article 33(2) PCT).

D2 does not refer to a thin film photovoltaic device and does not discloses such geometrical structures either (see point VIII below).

The problem to be solved by the present invention may be regarded as improving the solar energy absorbing properties of the active layer.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) because none of the prior art documents would lead the skilled person to use the specific geometrical structures claimed to structure the surface of the active layer of a thin film photovoltaic device.

2. Claim 12 refer to a method of obtaining the device of claim 1 and therefore also comply with the requirements of the PCT regarding novelty and inventive step.

3. Claims 2-11 and 13-14 are dependent on claim 1 and 12 respectively and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VIII

Certain observations on the international application

In claim 1, the base has been interpreted to be apparent, in the light of the description on page 7 line 1-4.

In order to comply with Article 6 PCT, the base should be specified to be apparent in claim 1 to make the claim clear and consistent with the description : if the base was not meant to be apparent, then cubic surfaces as in the figure of D2 could be interpreted as falling within the scope of the claims, thereby leading to inconsistency with the description (page 6 last line - page 7 line 5) and also questioning the inventivity of claim 1 in view of D2.

The clarification could for instance be achieved by stating that "the geometrical structures *exhibit* a base and a single apex which [...]", based on page 7 lines 1-4 of the description.

Claims of PCT indicated as having novelty, inventive step and industrial applicability

Photovoltaic Device

Claims:

1. A photovoltaic device of the thin film type comprising an active layer in which the active layer is in the shape of an array of defined and repeating geometrical structures,
   characterized in that the geometrical structures comprise a base and a single apex which are connected by at least three n-polygonal surfaces where n is equal to 4 or higher.

2. A photovoltaic device according to claim 1 characterized in that the base of each geometrical structure is of an m-sided polygonal shape and that each geometrical structure contains at least m+1 surfaces.

3. A photovoltaic device according to claim 1 or 2 characterized in that the active layer contains an array of defined and repeating geometrical structures with adjacent geometrical structures abutting each other.

4. A photovoltaic device according to any one of claims 1 to 3 characterized in that the active layer contains an array of geometrical optical relief structures which have the same orientation, an alternating orientation or a random orientation with respect to each other.

5. A photovoltaic device according to any one of claims 1 to 4 characterized in that the active layer contains an amorphous material.

6. A photovoltaic device according to claim 1, characterized in that the active layer contains amorphous silicon.

7. A photovoltaic device according to any one of claims 1 to 6, characterized in that the photovoltaic device further comprises a supporting substrate for the active layer, the supporting substrate having two main surface sides, which are parallel to the general plane of the active layer, and the shape of the surface side adjacent to the active layer is in the shape or the inverse shape of the active layer.

8. A photovoltaic device according to claim 7, characterized in that the transparent cover plate is the supporting substrate for the active layer, the transparent cover plate having two main surface sides, a light receiving side and a surface side adjacent to the active layer and the shape of the surface side adjacent to the active layer is inverse to the shape of the active layer.

9. A photovoltaic device according to claim 8 characterized in that a luminescent dye is present in the transparent cover plate.

10. A photovoltaic device according to claim 8 or 9 characterized in that the light receiving surface side comprises an array of defined and repeating geometrical structures.

11. A photovoltaic device according to claim 10 characterized in that the geometrical structures on the light receiving surface side comprise a base and a single apex which are connected by at least three n-polygonal surfaces where n is equal to 4 or higher.

12. Process for producing a photovoltaic device in which the active layer is in the shape of an array of defined and repeating geometrical structures, comprising the steps of
providing a supporting substrate with two main surface sides, which are parallel to the general plane of the active layer,
shaping the surface side to which an active layer will be applied into a shape or the inverse of the defined and repeating geometrical structures of the active layer,
applying the active layer onto this surface side of supporting substrate, characterized in that the geometrical structures comprise a base and a single apex which are connected by at least three n-polygonal surfaces where n is equal to 4 or higher.

13. Process for producing a photovoltaic device according to claim 12 characterized in that the active layer is applied by physical or chemical vapor deposition.

14. Process for producing a photovoltaic device according to claim 12 and 13 characterized in that the photovoltaic device comprises a transparent cover plate and that the transparent cover plate is the supporting substrate for the active layer.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/921,628	09/09/2010	Ben Slager	146649	4778

25944 7590 01/06/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
ART UNIT	PAPER NUMBER
1725	

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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CT

January 5, 2011

In re application of	:	DECISION ON REQUEST TO
Ben Slager	:	PARTICIPATE IN PATENT
Serial No. 12/921,628	:	PROSECUTION HIGHWAY
Filed: September 9, 2010	:	PROGRAM AND
For: PHOTOVOLTAIC DEVICE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed September 23, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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P.O. Box 1450
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JAN 14 2011

PCT LEGAL ADMINISTRATION

McDermott Will & Emery LLP
600 13th Street, N.W.
Washington, DC 20005-3096

In re Application of :
KAI et al. :
U.S. Application No.: 12/921,652 :
PCT No.: PCT/JP2008/054292 :
Int. Filing Date: 10 March 2008 : DECISION ON PETITION
Priority Date: None :
Attorney Docket No.: 086746-0012 :
For: PROCESS FOR PRODUCTION OF POLYMERS WITH IRON COMPLEX CATALYST :

This decision is issued in response to applicants' "Petition under 37 CFR 1.182" filed 11 November 2010. Applicants are requesting to change the name of the second inventor from Akane Hamada to Akane Sasamoto due to marriage. The $400 petition fee under 37 CFR 1.17 was charged to counsel's Deposit Account.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants are requesting to change the name of the second inventor from Akane Hamada to Akane Sasamoto. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the second inventor. For such a petition to be grantable, MPEP §605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Applicants' present petition included payment of the required petition fee. As for the affidavit requirement, applicants have submitted a "Declaration" (affidavit) regarding the name change. This affidavit states that the inventor's surname was changed, and that her

name was legally changed to Akane Sasamoto as a result of marriage. Therefore, item (2) has been satisfied.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Akane Hamada to Akane Sasamoto is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
Fax: 571-273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/921,652	11/11/2010	Hidetomo Kai	086746-0012	5052

20277 7590 04/18/2011
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER	
LEE, RIP A	

ART UNIT	PAPER NUMBER
1762	

MAIL DATE	DELIVERY MODE
04/18/2011	PAPER

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The time period for reply, if any, is set in the attached communication.

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EL

April 18, 2011

In re application of	:	DECISION ON REQUEST TO
Kai, et al.	:	PARTICIPATE IN PATENT
Serial No. 12/921,652	:	PROSECUTION HIGHWAY
Filed: September 09, 2010	:	PROGRAM AND
For: **PROCESS FOR PRODUCTION OF POLYMERS WITH IRON COMPLEX CATALYST**	:	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 10, 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 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.
12/921,659	09/09/2010	Naoto Saito	03505.000200.	5087

5514 7590 03/02/2011

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
03/02/2011	PAPER

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MAR 02 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of :
SAITO, NAOTO :
Application No. 12/921,659 :
Filed: September 09, 2010 :
Attorney Docket No. 03505.000200. :

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 17, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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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P.O. Box 1450
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MAR 23 2011

PCT LEGAL ADMINISTRATION

DOWELL & DOWELL P.C.
103 Oronoco St.
Suite 220
Alexandria VA 22314

In re Application of:	:	
TIBERGHIEN, Alain-Christophe, et al.	:	DECISION
U.S. Application No.: 12/921,674	:	(37 CFR 1.182)
PCT No.: PCT/FR2009/050398	:	
International Filing Date: 11 March 2009	:	
Priority Date: 12 March 2008	:	
Attorney's Docket No.: 17365NP	:	
For: FEMALE CONNECTOR ELEMENT AND CONNECTOR INCLUDING SAME	:	

This decision is issued in response to applicants' "Response To Notice Regarding Executed Declaration" filed 09 December 2010, treated herein as a petition under 37 CFR 1.182 to correct the name of record for the first inventor. Deposit Account No. 04-1577 will be charged the required $400 petition fee.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed herein on 29 November 2010. The communication indicated that a petition under 37 CFR 1.182 was required to change the name of record for the first inventor from Alain TIBERGHIEN, as the inventor was identified on the published international application, to Alain-Christophe TIBERGHIEN, as the inventor was identified on the declaration filed herein on 21 October 2010.

On 09 December 2010, applicants filed the "Response To Notice Regarding Executed Declaration" considered herein as a petition under 37 CFR 1.182.

DISCUSSSION

The present submission confirms that the correct name of the first inventor is Alain-Christophe TIBERGHIEN, as set forth in the declaration, and it includes the authorization to charge Deposit Account No. 04-1577 the required petition fee. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to correct the name of record for the first inventor from Alain TIBERGHIEN to Alain-Christophe TIBERGHIEN. In view of this

correction, the declaration filed on 21 October 2010 may be now accepted in compliance with 37 CFR 1.497.

Applicants' argue that the failure to list the inventor's full name on the international application resulted from a clerical error and that a petition under 37 CFR 1.182 should therefore not be required. However, the exception to the requirement for a petition under 37 CFR 1.182 set forth in MPEP section 1893.01(e) does not apply to all clerical errors. Rather, the exception is limited to "typographical or transliteration" errors. The correction required here, from a shortened form of the inventor's first name to the complete, hyphenated version of the name, goes beyond the scope of such exception.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for the first inventor from Alain TIBERGHIEN to Alain-Christophe TIBERGHIEN is **GRANTED**.

Based on this correction, the declaration filed on 21 October 2010 is now acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 October 2010.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/921,686	12/17/2010	Keiichiro Oishi	MIKI0014	5254

24203 7590 10/14/2011

GRIFFIN & SZIPL, PC
SUITE PH-1
2300 NINTH STREET, SOUTH
ARLINGTON, VA 22204

EXAMINER	
ART UNIT	PAPER NUMBER
1733	

NOTIFICATION DATE	DELIVERY MODE
10/14/2011	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):

GandS@szipl.com
burke@szipl.com

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P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 14 2011

WG

In re application of	:	DECISION ON REQUEST TO
Keiichiro Oishi	:	PARTICIPATE IN PATENT
Serial No. 12/921,686	:	PROSECUTION HIGHWAY
Filed: December 17, 2010	:	PROGRAM AND
For: SILVER-WHITE COPPER ALLOY AND PROCESS FOR PRODUCING THE SAME	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed August 23, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
      Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

United States Patent and Trademark Office

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Alexandria, VA 22313-1450
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PCT LEGAL ADMINISTRATION

FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

In re Application of
Morrison et al.
Application No.: 12/921,736
PCT No.: PCT/AU2009/000208
Int. Filing Date: 25 February 2009
Priority Date: 25 February 2008
Attorney Docket No.: BSDR.P0003US
For: Punch Sampling Apparatus And Method

DECISION
ON
PETITION

The petition to revive under 37 CFR 1.137(b) filed on 09 September 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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PCT LEGAL ADMINISTRATION

GABLE & GOTWALS
100 WEST FIFTH STREET, 10TH FLOOR
TULSA OK 74103

In re Application of :
JONASSEN :
Application No.: 12/921,737 :
PCT No.: PCT/NO2009/000077 :
Int. Filing Date: 06 March 2009 :
Priority Date: 11 March 2008 :
Attorney Docket No.: 007831.00032 :
For: APPARATUS DEVICE FOR REMOVING :
SCALE IN A BOREHOLE :
INSTALLATION :

DECISION ON PETITION

UNDER 37 CFR 1.42

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The combined declaration and declaration filed 11 January 2010 is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 06 March 2009, applicant filed international application PCT/NO2009/000077 which claimed priority to a previous application filed 11 March 2008. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 17 September 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 11 September 2010.

On 09 September 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other items, payment of the requisite basic national fee.

On 12 October 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an 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 19 October 2010, applicant filed the present response.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

> "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

An examination of the filed declaration and power of attorney finds that the document lists the address, residence and citizenship for both the deceased inventor Jarle Jonassen and the legal heir to his estate, Ann Jeanett Jonassen Ellingsen. As such, the declaration is in compliance with 37 CFR 1.497(a)-(b). It is noted that both the declaration and response identify Ms. Ellingsen as "the heir" singular. Thus, the USPTO is interpreting this information to mean that no other heirs exist nor has a legal representative been appointed nor is statutorily required to be appointed. If this interpretation is incorrect applicant should contact the USPTO immediately as a new oath or declaration may be required.

In light of the above, it is proper to grant applicant's request at this time.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 06 March 2009 and a date of **19 October 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

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Marger Johnson & McCollom, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204

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APR 27 2011

PCT LEGAL ADMINISTRATION

In re Application of
BAYLES et al.
U.S. Application No.: 12/921,762
PCT No.: PCT/CA2009/000288
Int. Filing Date: 10 March 2009
Priority Date: 10 March 2008
Attorney Docket No.: 4370-0005 (T84720. . . .
For: ALTERNATE E-MAIL ADDRESS CONFIGURATION

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Response to Notification of Missing Requirements under 35 U.S.C. 371" filed 17 February 2011, treated herein as a Petition under 37 CFR 1.47(a) to accept the application without the signature of joint-inventor, Derek Williams.

BACKGROUND

On 10 March 2009, applicants filed international application PCT/CA2009/000288 which claimed a priority date of 10 March 2008. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 17 September 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 10 September 2010.

On 09 September 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an application data sheet.

On 20 October 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 17 February 2011, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee

under 37 CFR 1.17; (2) a statement of the last known address of the nonsigning inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the nonsigning inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have submitted the required petition fee and the petition expressly states the last known address of the non-signing inventor. Therefore, Items (1) and (2) have been satisfied.

Regarding item (3), 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 three of the four inventors with an unsigned signature box for the nonsigning inventor. However, applicants have also submitted an added page to the declaration executed on behalf of the nonsigning inventor by a representative of the assignee. Because the assignee has executed the declaration on behalf of the nonsigning inventor, the declaration filed here cannot be treated as having been signed by the available inventor on his own behalf and on behalf of the nonsigning inventor, as required for the declaration to be accepted.[1] The present declaration is therefore unacceptable. Item (3) is not satisfied.

Regarding item (4), the petition asserts that the nonsigning inventor cannot be reached or located after diligent effort. In support of this assertion, applicants have submitted statements from Jonathan Pollack, with supporting documents, describing efforts made to locate the nonsigning inventor, including numerous mailings and online searches. Further, petitioner has provided evidence that the mailing of the application was attempted but was returned to sender. These materials provide an acceptable showing that the nonsigning inventor cannot be reached or located after diligent effort. Item (4) is therefore satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Derek Williams 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] Where, as here, some of the inventors have executed the declaration, it is impermissible for the assignee to sign on behalf of the others. The assignee can only sign on behalf of the non-signing inventor in cases where none of the inventors has signed the declaration (see 37 CFR 1.47(b)).

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
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SEP 01 2011
PCT LEGAL ADMINISTRATION

In re Application of
BAYLES et al.
U.S. Application No.: 12/921,762
PCT No.: PCT/CA2009/000288
Int. Filing Date: 10 March 2009
Priority Date: 10 March 2008
Attorney Docket No.: 4370-0005 (T84720. . . .
For: ALTERNATE E-MAIL ADDRESS CONFIGURATION

DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' Renewed Petition under 37 CFR 1.47(a) filed 21 June 2011 to accept the application without the signature of joint-inventor, Derek Williams.

In a decision dated 27 April 2011, applicants' "Petition under 37 CFR 1.47(a)" filed 17 February 2011 was dismissed because petitioner had not submitted an acceptable declaration executed by the cooperating inventors on their own behalf and on behalf of the non-signing inventor.

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), (2) and (3) have been previously satisfied.

As to 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 three of the four inventors with an unsigned signature box for the nonsigning inventor. Therefore, item (4) has been satisfied.

For the reason stated above, it is appropriate to accept the application without the signature of Derek Williams under 37 CFR 1.47(a) at this time.

CONCLUSION

The 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 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.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Derek Williams
990 Avenue Road #204
Toronto, Ontario M5P 2K8 Canada

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SEP 01 2011
PCT LEGAL ADMINISTRATION

In re Application of
BAYLES et al.
U.S. Application No.: 12/921,762
PCT No.: PCT/CA2009/000288
Int. Filing Date: 10 March 2009
Priority Date: 10 March 2008
Attorney Docket No.: 4370-0005 (T84720. . . .
For: ALTERNATE E-MAIL ADDRESS CONFIGURATION

Dear Derek Williams:

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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