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:	12/921,765	Filing date:	September 9, 2010
First Named Inventor:	Robert Willem Rowe		
Title of the Invention:	FINDING THE POSITION OF A MOBILE TERMINAL		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP09/50451

The international date of the corresponding PCT application(s) is/are: January 15, 2009

I. List of Required Documents:

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

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

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

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

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

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

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

(continued)

Application No.:	12/921,765
First Named Inventor:	Robert Willem Rowe

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 9, 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 9, 2010

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	identical
4	4	identical
5	5	identical
6	6	identical
7	7	identical
8	8	identical
9	9	identical
10	10	identical

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

Signature /Stacey J. Longanecker/	Date September 9, 2010
Name (Print/Typed) Stacey J. Longanecker	Registration Number 33,952

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.
12/921,765	11/03/2010	Peter James Duffett-Smith	57446	5797

99352 7590 02/01/2011
Roylance, Abrams, Berdo and Goodman, L.L.P.
1300 19th Street N.W.
Suite 600
washington, DC 20036-1649

EXAMINER
MULL, FRED H

ART UNIT	PAPER NUMBER
3662	

MAIL DATE	DELIVERY MODE
02/01/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

FEB - 1 2011

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

Roylance, Abrams, Berdo and Goodman, L.L.P.
1300 19th Street N.W.
Suite 600
washington DC 20036-1649

In re application of Duffett-Smith et al. Application No. 12/921,765 Filed: November 3, 2010 For: FINDING THE POSITION OF A MOBILE TERMINAL	: : : : : :	**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 9, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 01/31/11

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

ROYLANCE, ABRAMS,
BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of :
Duffett-Smith et al. : DECISION ON PETITION
Application No. 12/921,765 :
Filed: November 3, 2010 :
Attorney Docket No. 57446 :

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION" filed September 27, 2011.

The petition under 37 CFR § 1.181 is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 must be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. See 37 CFR §1.181(f).

The above-identified application became abandoned for failure to file a response to the non-final Office action mailed February 22, 2011. This Office action set a three-month period for reply, with extensions of time obtainable under § 1.136(a). No reply having been received, the above-identified application became abandoned on May 23, 2011. A courtesy Notice of Abandonment was mailed on September 21, 2011.

In response, applicant filed the instant petition, requesting withdrawal of the holding of abandonment due to non-receipt of the Office action. In support thereof, applicants submit their February 2011 PTO log, showing all communications received from the USPTO and a copy of the docket report for this application showing all replies docketed for dates three months from the mail date of the Office action.

A review of the application file reveals no irregularities in the mailing of the Office action mailed February 22, 2011. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The petition includes docket records. However, the showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. The petition does not include this statement from the practitioner.

On request for reconsideration, applicants may submit such a statement by the practitioner.

Alternatively, applicants may submit a petition to revive pursuant to § 1.137(a) or § 1.137(b).

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 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
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Paper No.

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BERDO & GOODMAN, L.L.P.
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SUITE 600
WASHINGTON, DC 20036

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of :
Duffett-Smith et al. : DECISION ON PETITION
Application No. 12/921,765 :
Filed: November 3, 2010 :
Attorney Docket No. 57446 :

This is a decision on the "CORRECTED PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION" filed October 6, 2011.

The above-identified application became abandoned effective May 23, 2011 for failure to file a response to the non-final Office action mailed February 22, 2011. (See Notice of Abandonment mailed September 21, 2011). By decision mailed October 3, 2011, the initial petition to withdraw the holding of abandonment filed September 27, 2011 was dismissed. The showing of non-receipt for the Office action was found to not be adequate as it did not include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

On request for reconsideration, applicants submitted such a statement by the practitioner.

In view thereof, the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center Art Unit 3662 has been advised of this decision. The application is, thereby, forwarded for the

technical support staff to withdraw the holding of abandonment and to re-mail the Office action mailed February 22, 2011 and to reset the period for reply.

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

/NancyJohnson/

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED
NOV 04 2011
OFFICE OF PETITIONS

Applicant: NAKAMURA, et al.
Appl. No.: 12/921,766
International Filing Date: March 10, 2009
Title: C2ORF18 AS TARGET GENE FOR CANCER THERAPY AND DIAGNOSIS
Attorney Docket: 87331-792020 (014610US)
Pub. No.: US 2011/0098339 A1
Pub. Date: April 28, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 27, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error on the cover page of the publication wherein the benefit claim information was printed incorrectly. In this instance, a PCT application is identified as being a continuation of a U.S. provisional application.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor is an Office error, but is not a material Office error as defined under 37 CFR 1.221(b). In particular, the front page of the publication and the first line of the specification make it clear that priority is claimed to the provisional application. Accordingly, the error would not affect the public's ability to determine the scope of the provisional rights that applicant may seek to enforce upon issuance of a patent. See MPEP 1130 B.

[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 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
Alexandria, VA 22313-1450
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FEB 07 2011

PCT LEGAL ADMINISTRATION

Perry & Currier
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of	:	
Yuen et al.	:	
Application No.: 12/921,786	:	DECISION
PCT No.: PCT/CA2008/000491	:	
Int. Filing Date: 13 March 2008	:	ON
Priority Date: N/A	:	
Attorney Docket No.: 96315.3	:	PETITION
For: Configurator	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 07 December 2010.

BACKGROUND

This international application was filed on 13 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 17 September 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 13 September 2010. Applicants filed *inter alia* the basic national fee on 10 September 2010.

On 07 October 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

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

Regarding **requirement (1)**, the $200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner has provided an "Affidavit of T. Andrew Currier," who provides a copy of his letter to Mr. Steele, dated 12 October 2010, to which a declaration and a copy of the application were indicated to be attached. Petitioner has not provided any postal evidence tending to show that the letter could not be delivered. However, petitioner has provided an "Affidavit of Attempted Service of Christian Paesch," who describes his efforts to personally serve Mr. Steele at his last known address on 24 October 2010. Based on this affidavit, it would be reasonable to conclude that Mr. Steele was not available at that address at that time. However, petitioner has not provided adequate evidence of any other efforts which may have been undertaken to ascertain valid contact information for him (such as, e.g., inquiries made to known associates, internet searches, telephone directory searches, tax records, land

ownership searches, voter registration searches, skip trace searches or the like). As such, it would not be appropriate to conclude at this time that requirement (2) has been satisfied. *See* MPEP 409.03(d).

Regarding **requirement (3)**, petitioner provides the last known address of the non-signing inventor.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 07 December 2010 reveals that it satisfies this requirement.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States Patent and Trademark Office

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

KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

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JUL 11 2011

PCT LEGAL ADMINISTRATION

In re Application of
Yuen et al.
Application No.: 12/921,786
PCT No.: PCT/CA2008/000491
Int. Filing Date: 13 March 2008
Priority Date: N/A
Attorney Docket No.: 96315.3
For: Configurator

DECISION ON PETITION

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 06 May 2011.

DISCUSSION

In a Decision mailed on 07 February 2011, the petition under 37 CFR 1.47(a) filed on 07 December 2010 was dismissed, without prejudice, because requirement (2) had not been satisfied.

In response, petitioner has provided an "Affidavit of Kristjan Spence," who describes the circumstances leading to a telephone conversation with Mr. Steele. Under the circumstances described, it would be reasonable to conclude that inventor Steele has refused to execute the application within the meaning of 37 CFR 1.47(a).

DECISION

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **07 December 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States Patent and Trademark Office

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

Philip Steele
5537 Fourth Line
Hillsburgh, Ontario N0B 1Z0
CANADA

MAILED

JUL 11 2011

PCT LEGAL ADMINISTRATION

In re Application of
Yuen et al.
Application No.: 12/921,786
PCT No.: PCT/CA2008/000491
Int. Filing Date: 13 March 2008
Priority Date: N/A
Attorney Docket No.: 96315.3
For: Configurator

Dear Mr. Steele:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

KEATING & BENNETT, LLP
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Reston VA 20191

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 29 2010

PCT LEGAL ADMINISTRATION

Mallinckrodt Inc.
675 McDonnell Boulevard
HAZELWOOD MO 63042

In re Application of:	:	
ALBERTO, Roger, et al.	:	DECISION
U.S. Application No.: 12/921,794	:	(37 CFR 1.181)
PCT No.: PCT/GB2009/000650	:	
International Filing Date: 10 March 2009	:	
Priority Date: 10 March 2008	:	
Attorney's Docket No.: H-MI-00193 WO/US	:	
For: METAL COMPLEXES	:	

This decision is issued in response to the "Response To Notification Of Missing Requirements Under 35 U.S.C. 371 In the United States Designated/Elected Office (DO/EO/US)" filed 11 October 2010, treated herein as a petition under 37 CFR 1.181 requesting acceptance of the declaration filed on 10 September 2010. No petition fee is required.

BACKGROUND

On 10 March 2009, applicants filed international application PCT/GB2009/000650. The international application claimed a priority date of 10 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 submitting the basic national fee was thirty months from the priority date, i.e., 10 September 2010.

The published international application listed three applicant/inventors for purposes of the United States: Roger ALBERTO, Henrik BRABAND, and Nicholas Andrew JONES.

On 10 September 2010, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee and declaration that names and is executed by two of the three inventors listed on the published international application (Nicholas Andrew JONES is not listed on the declaration).

On 30 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. The Notification indicated that the declaration filed on 10 September 2010 was defective because it did not include Nicholas Andrew JONES.

On 11 October 2010, applicant filed the "Response To Notification Of Missing Requirements Under 35 U.S.C. 371 In the United States Designated/Elected Office (DO/EO/US)" considered as a petition herein.

DISCUSSION

In the present petition, applicant asserts that Nicholas Andrew JONES was incorrectly listed as an applicant/inventor on the published international application. The petition is accompanied by a copy of the PCT Request (Form PCT/RO/101) filed in the international application. A review of the PCT Request confirms that Nicholas Andrew JONES is not identified therein as an applicant/inventor for purposes of the United States; rather, Mr. JONES is identified as a non-inventor applicant for purposes of Lesotho (LS) only. The IB has confirmed that the international publication was in error and that Mr. JONES is not an applicant/inventor for purposes of the United States.

In view of the above, Nicholas Andrew JONES was appropriately left off the declaration filed herein on 10 September 2010. The declaration properly names and is executed by the two correct applicant/inventors with respect to the United States, that is, Roger ALBERTO and Henrik BRABAND, and it is acceptable in compliance with 37 CFR 1.497.

The "Notification Of Missing Requirements" issued 30 September 2010, based as it was on the purported defect in the declaration filed on 10 September 2010, is appropriately vacated.

CONCLUSION

The petition under 37 CFR 1.181 for acceptance under 37 CFR 1.497 of the declaration filed on 10 September 2010 is **GRANTED**.

The "Notification Of Missing Requirements" (Form PCT/DO/EO/905) issued 30 September 2010 is hereby **VACATED**.

The applicant/inventors of record in the present national stage application are Roger ALBERTO and Henrik BRABAND. Nicholas Andrew JONES is not an applicant/inventor with respect to the United States in the present application.

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) as 10 September 2010.

/RichardMRoss/

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

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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MAILED
FEB 01 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
FONG et al	:	
Application No.: 12/921,801	:	
PCT No.: PCT/IB2009/050880	:	
Int. Filing Date: 04 March 2009	:	PETITION UNDER
Priority Date: 10 March 2008	:	
Attorney's Docket No.: 009962US2	:	
For: RECHARGEABLE EGG MONITORING	:	
SYSTEM	:	37 CFR 1.47(a)

This is in response to the "PETITION," which is being treated as a petition under 37 CFR 1.47(a) filed on 03 December 2010.

BACKGROUND

On 10 September 2010, applicants filed via EFS-WEB entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 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) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date... the current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68." The notice also indicated that the items must be submitted within two months from the mailing date of this notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 03 December 2010, 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 Brett Cross, and a petition under 37 CFR 1.47(a).

DISCUSSION

Petitioner's petition under 37 CFR 1.47(b) is improper because this petition is for the circumstance when all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort. In this situation two of the four inventors signed the declaration. Accordingly, the petition has been treated under 37 CFR 1.47(a).

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

> (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § **1.17(g)**, and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with § **1.63**.

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

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

> **REFUSAL TO JOIN:**
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is

> apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied items (1), (3) and (4) of 37 CFR 1.47(a). However, item (2) has not been satisfied.

Regarding item (1), petitioner provided a petition fee of $400.00 but the correct petition fee under 37 CFR 1.17(g) is $200.00 and has been adjusted to the correct fee.

Regarding item (2), Ms. Peistrup states that on August 25, 2010 a package of documents including the US Declaration was sent to Mr. Brett Cross and the receipt card was returned signed by Mr. Cross on September 14, 2010. In addition, she states as of December 1, 2010 the a signed Declaration has not been returned to Philips.

However, based on Ms. Peistrup affidavit it is unclear what documents were actually mailed to him because she only refers to the US Declaration and no mentioned of the application papers of application 12/291,801 or PCT/IB2009/050,880 is referenced. Moreover, the cover letter is vague as to what documents were sent as it only refers to enclosed set of documents but does specifically state what documents of aforementioned application were included.

Regarding item (3), petitioner has provided an affirmative statement of the last known address of the missing joint inventor, Brett Cross.

Brett Cross
3425 Michael Drive
Redwood City, CA 94063-4263

Regarding item (4), petitioner has provided a provided a properly executed declaration without the signature of joint inventor Brett Cross.

Consequently, at this time it can not be concluded that Mr. Cross has refused to sign the documents based on the evidence provided.

Accordingly, the petition has not met all the items under 37 CFR 1.47(a).

CONCLUSION

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

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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

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In re Application of	:	DECISION ON RENEWED
FONG et al	:	
Application No.: 12/921,801	:	MAILED
PCT No.: PCT/IB2009/050880	:	
Int. Filing Date: 04 March 2009	:	PETITION UNDER MAY 11 2011
Priority Date: 10 March 2008	:	PCT LEGAL ADMINISTRATION
Attorney's Docket No.: 009962US2	:	
For: RECHARGEABLE EGG MONITORING	:	
SYSTEM	:	37 CFR 1.47(a)

This is in response to the "REQUEST FOR RECONSIDERATION OF PETITION," which is being treated as a renewed petition under 37 CFR 1.47(a) filed on 09 March 2011.

BACKGROUND

In a decision from this Office on 01 February 2011, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 09 March 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 01 February 2011 with respect to accepting the above application without the signature of Mr. Brett Cross.

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 09 March 2011 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), a statement by Jill Peistrup, who has first-hand knowledge of the facts of the previous petition, has provided a statement outlining the steps she took to mail the application papers to the non-signing co-inventor Mr. Brett Cross on August 25, 2010. She indicates that she mailed the package of documents to Mr. Cross which included a copy of specification, claims, drawings and abstract on such date, and the return receipt card was returned signed by Mr. Cross and dated September 14, 2010. In addition, Ms. Peistrup conducted a search for Mr. Cross using the internet Google.com, PeopleSmart.com, Linkedin.com, Yahoo.com and Facebook.com but did not find any additional information on Mr. Cross

Consequently, at this time it can be concluded that Mr. Cross has refused to sign the documents and no new address can be located after a dilegent search by Ms. Peistrup.

Petitioner has now satisfied item (2) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **03 December 2010.**

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Brett Cross
3425 Michael Drive
Redwood City, CA 94063-4263

MAILED
MAY 1 1 2011
PCT LEGAL ADMINISTRATION

In re Application of
FONG et al
Application No.: 12/921,801
PCT No.: PCT/IB2009/050880
Int. Filing Date: 04 March 2009
Priority Date: 10 March 2008
Attorney's Docket No.: 009962US2
For: RECHARGEABLE EGG MONITORING SYSTEM

Dear: Mr. Cross,

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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FEB 01 2011

PCT LEGAL ADMINISTRATION

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In re of	:	DECISION ON
Hugh et al	:	
Application No: 12/921,811	:	
PCT No.: PCT/IB2009/50883	:	
Int. Filing Date: 04 March 2009	:	PETITION UNDER
Priority Date: 10 March 2008	:	
Attorney's Docket No.: 009964US2	:	
For: WATERTIGHT EGG MONITOR AND USER	:	
INTERFACE	:	37 CFR 1.47(a)

This is in response to the "PETITION"" filed on 03 December 2010, which is being treated as a petition under 37 CFR 1.47(a).

BACKGROUND

On 10 September 2010, applicants filed via EFS-WEB entry into the national stage in the United States of America. Filed via EFS-WEB was, inter alia, the requisite basic national fee. However, no executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 21 October 2010, the USPTO mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 C.F.R. 1.495 (Form PCT/DO/EO/903)," indicating that date of receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements is 10 September 2010, and a date of completion of all 35 USC 371 requirements of 10 September 2010.

On 03 December 2010, petitioner filed the present petition under 37 CFR 1.47(a) accompanied, inter alia, an executed Declaration without the signatures of two of the joint inventors, i.e., without the signatures of Brett Cross and Thomas Solosko.

DISCUSSION

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

Petitioner have satisfied items (1), and (3)- (4) of 37 CFR 1.47(a). However, item (2) of 37 CFR 1.47(a) has not been satisfied.

Regarding item (1), petitioner provided a petition fee of $400.00 but the correct petition fee under 37 CFR 1.17(g) is $200.00 and has been adjusted to the correct fee.

Regarding item (2), Ms. Peistrup states that on August 25, 2010 a package of documents including the US Declaration was sent to Mr. Brett Cross and the receipt card was returned signed by Mr. Cross on September 14, 2010. In addition, she states as of December 1, 2010 the a signed Declaration has not been returned to Philips.

However, based on Ms. Peistrup affidavit it is unclear what documents were actually mailed to him because she only refers to the US Declaration and no mentioned of the application papers of application 12/291,811 or PCT/IB2009/50883 is referenced. Moreover, the cover letter is vague as to what documents were sent as it only refers to enclosed set of documents but does specifically state what documents of aforementioned application were included.

With respect to Mr. Solosko, Ms. Peistrup statements are insufficient to support a finding that the nonsigning joint inventor, Mr. Solosko, could not be found after diligent effort. She states when Mr. Solosko left the company he left a forwarding address in Utah and this address matched her search on PeopleFinder. The package document were sent to such address on August 25, 2010 but was returned to Philips marked as unclaimed.

However, petitioner limited the search to PeopleFinder and did not try to locate Mr. Solosko's new address by doing a broader internet search on **www.yahoo.com**, **www.google.com** and an internet telephone directory search in Utah. Also, Ms. Peistrup has not provided the results of the search in the petition to be part of the record.

Moreover, although Ms. Peistrup, indicates that Mr. Solosko left a forwarding address with the company, it does not appear that she contacted co-workers to find out if Mr. Solosko left an updated forwarding address.

Regarding item (3), petitioner has provided an affirmative statement of the last known addresses of the nonsigning joint inventors.

Brett Cross
3425 Michael Drive
Redwood City, CA 94063-4263

Thomas Solosko
13812 Magic Wand St.
Draper, UT 84020

Regarding requirement (4), petitioner has provided a provided a properly executed declaration without the signatures of joint inventors Brett Cross and Thomas Solosko.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 21 October 2010 was erroneous because all the requirements under 35 USC 371(c)(1), (c)(2), and (c)(4) have not been met.

CONCLUSION

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

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 21 October 2010 is **VACATED** with the mailing of this decision.

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.

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MAILED
MAY 26 2011
PCT LEGAL ADMINISTRATION

In re of	:	DECISION ON
Hugh et al	:	
Application No: 12/921,811	:	
PCT No.: PCT/IB2009/50883	:	
Int. Filing Date: 04 March 2009	:	PETITION UNDER
Priority Date: 10 March 2008	:	
Attorney's Docket No.: 009964US2	:	
For: WATERTIGHT EGG MONITOR AND USER	:	
INTERFACE	:	37 CFR 1.47(a)

This is in response to the "REQUEST FOR RECONSIDERATION OF PETITION," which is being treated as a renewed petition under 37 CFR 1.47(a) filed on 09 March 2011.

BACKGROUND

In a decision from this Office on 01 February 2011, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 09 March 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 01 February 2011 with respect to accepting the above application without the signatures of co-inventors Brett Cross and Thomas Solosko.

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 09 March 2011 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), a statement by Jill Peistrup, who has first-hand knowledge of the facts of the previous petition, has provided a statement outlining the steps she took to mail the application papers to the non-signing co-inventors Mr. Brett Cross and Mr. Thomas Solosko on August 25, 2010. She indicates that she mailed the packages of documents to Mr. Cross and Mr. Solosko which included a copy of specification, claims, drawings and abstract on such date, and the return receipt card was returned signed by Mr. Cross and dated September 14, 2010 but Mr. Solosko's package was returned unclaimed. In addition, Ms. Peistrup conducted a search for both Mr. Cross and Mr. Solosko using the internet Google.com, PeopleSmart.com, Linkedin.com, Yahoo.com and Facebook.com but did not find any additional information on them. Finally, she requested Eric Halsne to contact Mr. Cross and Mr. Solosko's former colleagues in Seattle regarding current contact for them but he was not able to get any additional information.

Consequently, at this time it can be concluded that Mr. Cross has refused to sign the documents and the actions enumerated by Ms. Peistrup are sufficient to establish that the non-signing co-inventors Mr. Cross and Mr. Solosko could not be found or reached after diligent effort.

Petitioner has now satisfied item (2) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **03 December 2010.**

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Brett Cross
3425 Michael Drive
Redwood City, CA 94063-4263

MAILED
MAY 26 2011
PCT LEGAL ADMINISTRATION

In re of
Hugh et al
Application No: 12/921,811
PCT No.: PCT/IB2009/50883
Int. Filing Date: 04 March 2009
Priority Date: 10 March 2008
Attorney's Docket No.: 009964US2
For: WATERTIGHT EGG MONITOR AND USER INTERFACE

Dear: Mr. Cross,

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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Thomas Solosko
13812 Magic Wand St.
Draper, UT 84020

MAILED
MAY 26 2011
PCT LEGAL ADMINISTRATION

In re of
Hugh et al
Application No: 12/921,811
PCT No.: PCT/IB2009/50883
Int. Filing Date: 04 March 2009
Priority Date: 10 March 2008
Attorney's Docket No.: 009964US2
For: WATERTIGHT EGG MONITOR AND USER INTERFACE

Dear: Mr. Solosko,

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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United States Patent and Trademark Office
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DEC 08 2010

PCT LEGAL ADMINISTRATION

Ostrow Kaufman LLP
Susan Formicola
The Chrysler Building
405 Lexington Avenue, 62nd Floor
NEW YORK NY 10174

In re Application of	:	
EASTTY, Peter Charles	:	
Application No.: 12/921,869	:	DECISION
PCT No.: PCT/GB2009/000652	:	
Int. Filing Date: 10 March 2009	:	
Priority Date: 11 March 2008	:	
Attorney Docket No.: 185-001	:	
For: AUDIO PROCESSING	:	

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 13 October 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 March 2009, applicant filed international application PCT/GB2009/000652 which designated the U.S. and claimed a priority date of 11 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 17 September 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 September 2010 (11 September 2010 being a Saturday).

On 10 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States. The submission did not include the U.S. Basic National Fee.

On 12 October 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to pay the U.S. Basic National Fee by thirty months from the priority date.

On 13 October 2010, applicant filed the instant petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the U.S. Basic National Fee was paid on 13 October 2010.

As to item (2), applicant submitted the petition fee on 13 October 2010.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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PTO/SB/20PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/921,879	Filing date:	September 10, 2010
First Named Inventor:	Magnus Hasselqvist		
Title of the Invention:	NICKEL BASE ALLOY AND USE OF IT, TURBINE BLADE OR VANE AND GAS TURBINE		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2009/052343

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).**

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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.**

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 EPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on SEPTEMBER 10, 2010

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

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II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
7	1	As filed in the Preliminary Amendment on September 10, 2010
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9	3	As filed in the Preliminary Amendment on September 10, 2010
10	5,1	As filed in the Preliminary Amendment on September 10, 2010
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12	5,3	As filed in the Preliminary Amendment on September 10, 2010
13	6,1	As filed in the Preliminary Amendment on September 10, 2010
14	6,2	As filed in the Preliminary Amendment on September 10, 2010
15	6,3	As filed in the Preliminary Amendment on September 10, 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.

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PTO/SB/20PCT-EP (05-10)
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Application No:	12/921,879	Filing date:	September 10, 2010
First Named Inventor:	Magnus Hasselqvist		
Title of the Invention:	NICKEL BASE ALLOY AND USE OF IT, TURBINE BLADE OR VANE AND GAS TURBINE		

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

(continued)

Application No.:	12/921,879
First Named Inventor:	Magnus Hasselqvist

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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

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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.
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UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/921,879	11/23/2010	Magnus Hasselqvist	2007P25161WOUS	6636

22116 7590 02/15/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

ART UNIT	PAPER NUMBER
3745	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:
HASSELQVIST, MAGNUS	: DECISION ON REQUEST TO
Application No. 12/921,879	: PARTICIPATE IN PATENT
Filed: Sep. 10, 2010	: PROSECUTION HIGHWAY
Attorney Docket No 2007P25161WOUS	: PILOT PROGRAM AND PETITION
For: NICKEL BASE ALLOY AND USE OF IT, TURBINE BLADE OR VANE AND GAS TURBINE	: 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 Edward Look, the SPE of Art Unit 3745 and (571)272-4820 for Class 416/241 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

PTO/SB/20PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/921,903	Filing date:	2010-09-10
First Named Inventor:	Anton Heller et al.		
Title of the Invention:	Colloidal Aqueous Organopolysiloxane Dispersions Which Contain Binders and The use Thereof		

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

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The corresponding PCT application number(s) is/are: PCT/EP2009/052480

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

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

(continued)

Application No.:	12921903
First Named Inventor:	Anton Heller et al.

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II. Claims Correspondence Table:

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10	1	Rewritten in U.S. Format
11	2	Rewritten in U.S. Format and to remove exemplary compounds
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	2	Subset of PCT claim 2
15	2	Subset of PCT claim 2
16	2	Subset of PCT claim 2
17	2	Subset of PCT claim 2
18	5	Rewritten to be dependent on claim 10
19	6	Rewritten in U.S. Format, dependent on claim 10
20	6	Rewritten in U.S. Format, dependent on claim 18
21	6	Dependent claim, supports page 17 lines 31-36
22	8	Subset of PCT claim 8
23	8	Subset of PCT claim 8
24	6	Subset of PCT claim 6
25	8	Subset of PCT claim 8
26	8	Subset of PCT claim 8

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

Signature /Willliam G. Conger/	Date February 28, 2011
Name (Print/Typed) William G. Conger	Registration Number 31209

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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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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/921,903	09/10/2010	Anton Heller	WAS1089PUSA	6804

22045 7590 03/22/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
HARLAN, ROBERT D

ART UNIT	PAPER NUMBER
1762	

MAIL DATE	DELIVERY MODE
03/22/2011	PAPER

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

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

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WG

March 22, 2011

In re application of Anton Heller et al. Serial No. 12/921,903 Filed: September 10, 2010 For: COLLOIDAL AQUEOUS ORGANOPOLYSILOXANE DISPERSIONS WHICH CONTAIN BINDERS AND THE USE THEREOF	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed 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, 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

15 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

The Webb Law Firm, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

In re Application of
DANCHENKO, Igor Aleksandrovich
Application No.: 12/921,942
PCT No.: PCT/RU2007/000147
Int. Filing Date: 28 March 2007
Priority Date: None
Attorney Docket No.: 6311-102583
For: METHOD FOR WOOD HEAT TREATMENT AND A DEVICE FOR CARRYING OUT SAID METHOD

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 10 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

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.
12/922,035	09/10/2010	Toshihiro Saika	03505.000300.	7445

5514 7590 11/26/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER

ART UNIT	PAPER NUMBER
2852	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of
Toshihiro SAIKA
Application No.: 12/922,035
Filed: 10 September 2010
Attorney Docket No.: 03505.000300.
For: IMAGE READING APPARATUS AND IMAGE FORMATION

APPARATUS, METHOD AND PROGRAM PRODUCT

: 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 October 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

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

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

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

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

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

Regarding the requirement of condition (1), the instant request and petition rely on JP 2009-545736 for the allowable/patentable claims. However, the instant application does not claim priority to this application. In situations 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.

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

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

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

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

Lee W. Young
TQAS Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,035	09/10/2010	Toshihiro Saika	03505.000300.	7445

5514 7590 01/19/2011
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
01/19/2011	PAPER

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

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

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MAIL

JAN 19 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	:	
SAIKA, TOSHIHIRO	:	DECISION ON REQUEST TO
Application No. 12/922,035	:	PARTICIPATE IN PATENT
Filed: September 10, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 03505.000300.	:	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 December 21, 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 now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

MAILED
OCT 14 2011
PCT LEGAL ADMINISTRATION

In re Application of HONDA et al	:	
U.S. Application No.: 12/922,138	:	
PCT Application No.: PCT/JP2009/054866	:	
Int. Filing Date: 13 March 2009	:	DECISION
Priority Date Claimed: 17 March 2008	:	
Attorney Docket No.: 114324-KC0137	:	
For: NAVIGATION DEVICE AND	:	
NAVIGATION METHOD	:	

This is in response to applicant's correspondence filed 04 August 2011, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 13 March 2009, applicant filed international application PCT/JP2009/054866, which claimed priority of an earlier Japan application filed 17 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 24 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 17 September 2010.

On 10 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).

On 14 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 09 December 2010, applicant filed an executed declaration.

On 25 July 2011, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with respect to the surname of the second inventor.

On 04 August 2011, applicant filed the present 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.

The present petition states that the discrepancy regarding the first inventor's name was the result of a typographical or transliteration error. Applicant's explanation for the error is accepted and deemed a proper notification to the Office under MPEP 1893.01(e).

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 13 March 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 09 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
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

Decision Date : June 12,2011

In re Application of :

Yoshiaki Takahashi

Application No : 12922174

Filed : 12-Sep-2010

Attorney Docket No : 10-09-2097

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed June 12,2011 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

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

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12922174
Filing Date	12-Sep-2010
First Named Inventor	Yoshiaki Takahashi
Art Unit	3617
Examiner Name	AJAY VASUDEVA
Attorney Docket Number	10-09-2097
Title	SHIP WITH REDUCED FRICTIONAL RESISTANCE AND ITS OPERATION METHOD

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 05-31-2011

○ 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	//Lee Fredric Sharra//
Name	Lee Fredric Sharra
Registration Number	43108

IFW DAC

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	12922174
Filing Date	12-Sep-2010
First Named Inventor	Yoshiaki Takahashi
Art Unit	3617
Examiner Name	AJAY VASUDEVA
Attorney Docket Number	10-09-2097
Title	SHIP WITH REDUCED FRICTIONAL RESISTANCE AND ITS OPERATION METHOD

OPAP IAP5 JUN 1 2 2011 PATENT & TRADEMARK OFFICE

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
(4) Statement that the entire delay was unintentional.

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

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

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

☒ Applicant(s) status remains as SMALL ENTITY.

☐ Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

06/13/2011 INTEFSW 00007125 12922174
01 FC:2453 810.00 OP

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 05-31-2011

○ 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	//Lee Fredric Sharra//
Name	Lee Fredric Sharra
Registration Number	43108

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
JUN 30 2011
OFFICE OF PETITIONS

LEE FREDRIC SHARRA
4313 TROUTHAVEN DRIVE
MURRYSVILLE PA 15668

In re Application of	:	
Yoshiaki Takahashi	:	
Application No. 12/922,174	:	ON PETITION
Filed: September 12, 2010	:	
Attorney Docket No. 10-09-2097	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 1, 2011, to revive the above-identified application. This is also a decision on the request for refund filed June 16, 2011.

The petition under 37 CFR 1.137(b) is **DISMISSED as MOOT**.

The request for refund is **GRANTED**.

As to the petition under 37 CFR 1.137(b):

The petition is dismissed as moot because a petition under the unintentional provisions of 37 CFR 1.137(b), was filed and granted electronically by EFS on June 12, 2011.

As to the Request for Refund:

A request for refund was filed on June 16, 2011 which states that "On June 1, 2011 A Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) was filed via the EFS-WEB for the above referenced application. A fee of $810.00 for small entity was paid at this time… .

On June 12, 2011, a second Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) was filed electronically via the EFS-WEB for immediate grant. This was to see if I could reference back to the original fee filed on June 1, 2011, however this was not available via the system. Since the petition was in position for granting and only a fee needed to be submitted, again the fee of $810.00 for small entity was paid on June 12, 2011 ..

These actions resulted in the overpayment of $810.00 fees (for small entity) for essentially the same petition in the application. The fees as of June 12, 2011 paid on this petition totaled $1620.00 which is in excess of the $810.00 fee required for a small entity."

In view of the above, the request for refund is granted. A total of $810.00 is being credited back to petitioner's credit card account as it is the method in which the fee was paid.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

The application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,193	09/13/2010	Fumihiko Ishiyama	86697(302716)	8764

21874 7590 07/15/2011
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER
OH, TAYLOR V

ART UNIT	PAPER NUMBER
1622	

MAIL DATE	DELIVERY MODE
07/15/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 55874
BOSTON, MA 02205

In re Application of	:	DECISION ON REQUEST TO
ISHIYAMA ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/922,193	:	PROSECUTION HIGHWAY
Filed: September 13, 2010	:	PROGRAM AND PETITION
Attorney Docket No. 86697(302716)	:	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 2, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim;
(2) The JPO application(s) have at least one claim that was determined by the JPO to be allowable/patentable;
(3) All the claims in each U.S. application for which a request for participation in the PPH program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the request, along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit a copy of the allowable/patentable claims from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the JPO examiner in the JPO office action (unless such an IDS has already been filed in the U.S. application).

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

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

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.
12/922,207	09/13/2010	Fumihiko Ishiyama	86696(302716)	8830

21874 7590 07/15/2011
EDWARDS ANGELL PALMER & DODGE LLP
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EXAMINER

ART UNIT	PAPER NUMBER
1621	

MAIL DATE	DELIVERY MODE
07/15/2011	PAPER

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

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JUL 15 2011

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

In re Application of	:	DECISION ON REQUEST TO
ISHIYAMA ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/922,207	:	PROSECUTION HIGHWAY
Filed: September 13, 2010	:	PROGRAM AND PETITION
Attorney Docket No. 86696(302716)	:	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 23, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim;
(2) The JPO application(s) have at least one claim that was determined by the JPO to be allowable/patentable;
(3) All the claims in each U.S. application for which a request for participation in the PPH program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the request, along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit a copy of the allowable/patentable claims from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the JPO examiner in the JPO office action (unless such an IDS has already been filed in the U.S. application).

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

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 03 2010

PCT LEGAL ADMINISTRATION

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of :
TULLEKEN, et al. :
Application No.: 12/922,220 :
PCT No.: PCT/NL2008/050185 :
Int. Filing Date: 03 April 2008 : NOTIFICATION
Priority Date: None :
Attorney Docket No.: 903-369 PCT/US :
For: SECURING DEVICE AND :
ASSEMBLY COMPRISING SUCH A :
SECURING DEVICE :

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 13 September 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 PCT/NL2008/050185, while electronic data identified the filing as a national phase entry of PCT/US2008/050185.

On 14 October 2010, applicants filed a declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration.

On 23 November 2010, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) and a filing receipt.

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.

As applicants have listed conflicting international application numbers, applicant is required to identify which application number is correct and to furnish a petition under 37 CFR 1.182 along with the fee to correct the erroneous indication.

CONCLUSION

For the above reasons, the Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 23 November 2010 are **VACATED**.

A proper response is required within **TWO (2) MONTHS** of the mailing of this notification. Failure to timely reply will result in the abandonment of this 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.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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PCT LEGAL ADMINISTRATION

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of :
TULLEKEN, et al. :
Application No.: 12/922,220 :
PCT No.: PCT/NL2008/050185 :
Int. Filing Date: 03 April 2008 : DECISION
Priority Date: None :
Attorney Docket No.: 903-369 PCT/US :
For: SECURING DEVICE AND :
ASSEMBLY COMPRISING SUCH A :
SECURING DEVICE :

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 14 December 2010.

BACKGROUND

On 03 December 2010, the Office mailed Notification indicating that applicant's national stage entry filing indicated two different international application numbers and that clarification and a petition under 37 CFR 1.182 were required.

On 14 December 2010, applicants filed a petition under 37 CFR 1.182, indicating the filing was intended as a national phase entry of PCT/NL2008/050185.

DISCUSSION

A filing under 35 USC 371 is the national phase entry of only one international application. Applicant indicates that this application was intended to be the national phase of PCT/NL2008/050185. Applicant has paid the required petition fee. The indications in this application will be corrected to indicate that this is a national phase of PCT/NL2008/050185.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/922,227	12/15/2010	Hans-Michael Dosch	00762.15.0004	8956

88944 7590 07/21/2011
Vedder Price P.C.
1401 I Street NW
Suite 1100
Washington, DC 20005

EXAMINER
EWOLDT, GERALD R

ART UNIT	PAPER NUMBER
1644	

MAIL DATE	DELIVERY MODE
07/21/2011	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
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Alexandria, VA 22313-1450
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JUL 21 2011

Vedder Price P.C.
1401 I Street NW
Suite 1100
Washington, DC 20005

In re Application of	:	DECISION ON REQUEST TO
DOSCH ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/922,227	:	PROSECUTION HIGHWAY
Filed: December 15, 2010	:	PROGRAM AND PETITION
Attorney Docket No. 00762.15.0004	:	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 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 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 CIPO, 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 CIPO, 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 CIPO 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) The CIPO application(s) have at least one claim that was determined by the CIPO to be allowable;
(3) All the claims in each U.S. application for which a request for participation in the PPH pilot program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable claims 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 (which are relevant to patentability) from each of the CIPO application(s) containing the allowable claims that are the basis for the request;
(6) Applicant must submit a copy of the allowable claims from the CIPO application(s);

(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the CIPO examiner in the CIPO Office action or in the positive EESR (unless such an IDS has already been filed in the U.S. application).

The request to participate in the PPH program and petition fails to comply with the requirement because: the U.S. application was abandoned on April 6, 2011.

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

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HESPOS & PORCO LLP
110 WEST 40TH STREET
SUITE 2501
NEW YORK, NY 10018

MAILED
MAY 04 2011
PCT LEGAL ADMINISTRATION

In re Application of PAKU et al	:	
U.S. Application No.: 12/922,238	:	
PCT Application No.: PCT/JP2008/072988	:	DECISION
Int. Filing Date: 17 December 2008	:	
Priority Date Claimed: 13 March 2008	:	
Attorney Docket No.: FPCT10-121US	:	
For: GROMMET	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 14 March 2011.

BACKGROUND

On 17 December 2008, applicant filed international application PCT/JP2008/072988, which claimed priority of an earlier Japan application filed 13 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 17 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 13 September 2010.

On 13 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).

On 14 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 14 March 2011, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor. This declaration cannot presently be accepted because it is not yet in compliance with 37 CFR 1.69(b). Specifically, the declaration is not in a form provided by the Office (i.e. Form PCT/SB/106) or accompanied by a statement attesting to the accuracy of the translation contained therein.

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 does not sufficiently demonstrate that a diligent effort was made to find joint inventor Kinru Paku. While the petition includes evidence of attempts to reach Paku by postal mail and by searching a directory, there is no evidence of attempts to locate Paku by other methods such as by telephone, by electronic mail, and by contacting the other inventors. Thus, it would not be reasonable to conclude at the present time that Paku cannot be found.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition fails to specifically state the last known address of the nonsigning inventor.

CONCLUSION

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

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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HESPOS & PORCO LLP
110 WEST 40TH STREET
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NEW YORK, NY 10018

MAILED
JUL 13 2011
PCT LEGAL ADMINISTRATION

In re Application of PAKU et al	:	
U.S. Application No.: 12/922,238	:	
PCT Application No.: PCT/JP2008/072988	:	DECISION
Int. Filing Date: 17 December 2008	:	
Priority Date Claimed: 13 March 2008	:	
Attorney Docket No.: FPCT10-121US	:	
For: GROMMET	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 19 May 2011.

BACKGROUND

On 17 December 2008, applicant filed international application PCT/JP2008/072988, which claimed priority of an earlier Japan application filed 13 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 17 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 13 September 2010.

On 13 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).

On 14 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 14 March 2011, applicant filed a petition under 37 CFR 1.47(a).

On 04 May 2011, this Office mailed a decision dismissing the 14 March 2011 petition.

On 19 May 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a proper 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 sufficiently demonstrates that a diligent effort was made to find joint inventor Kinru Paku. Specifically, unsuccessful attempts were made to reach Paku by postal mail, by searching directories, and by contacting the other inventors (see affidavit of Tomoji Niwa). Thus, it can be concluded with reasonable certainty that Paku 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 17 December 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 May 2011.

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

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Kinryu Paku
1655, Hongo, Kusu-cho
Yokkaichi City
JAPAN

MAILED
JUL 13 2011
PCT LEGAL ADMINISTRATION

In re Application of PAKU et al
U.S. Application No.: 12/922,238
PCT Application No.: PCT/JP2008/072988
Int. Filing Date: 17 December 2008
Priority Date Claimed: 13 March 2008
For: GROMMET

Dear Kinryu Paku:

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

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110 WEST 40TH STREET
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NEW YORK, NY 10018
Attorney Docket No.: FPCT10-121US

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 26 2011

PCT LEGAL ADMINISTRATION

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

In re Application of :
REVHEIM, Sven, et al. :
Application No.: 12/922,260 :
PCT No.: PCT/NO2009/000078 :
Int. Filing Date: 06 March 2009 : DECISION
Priority Date: 26 March 2008 :
Attorney Docket No.: 2010-1262A :
For: A SOLE FOR USE ON HOOVES AND :
A SHOE COMPRISING SUCH A SOLE :

This is a decision on applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 07 February 2011.

BACKGROUND

On 07 December 2010, the Office mailed Notification, informing applicants that their national phase entry had identified multiple international applications and that a national phase entry is the national phase of only a single application. It required applicants to identify the correct international application and to furnish a petition under 37 CFR 1.182. It set a two month time period for response.

On 07 February 2011, applicants filed a petition under 37 CFR 1.182 to correct the national phase data.

DISCUSSION

A filing under 35 USC 371 is the national phase entry of only one international application. Applicant indicates that this application was intended to be the national phase of PCT/NO2009/000078. Applicant has paid the required petition fee. The indications in this application will be corrected to indicate that this is a national phase of PCT/NO2009/000078.

CONCLUSION

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

DEC 03 2010

PCT LEGAL ADMINISTRATION

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	:	
SUGIMOTO et al.	:	DECISION
Application No.: 12/922,289	:	
PCT No.: PCT/JP2009/001023	:	
Int. Filing Date: 06 March 2009	:	
Priority Date: 13 March 2008	:	
Attorney's Docket No.: MAT-10404US	:	
For: METHOD FOR CONTROLLING DRYING OF	:	
CLOTHES AND DRYER FOR CLOTHES	:	

This decision is in response to applicants' submission filed 13 September 2010, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 06 March 2009, applicants filed international application PCT/JP2009/001023 which designated the U.S. and claimed a priority date of 13 March 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on17 September 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 September 2010.

On 13 September 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 declaration of inventors, and a statement explaining the difference between the published international application and the declaration of inventors in the name of second-named inventor.

On 23 November 2010, the DO/EO/US mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/909) according the application both a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 13 September 2010.

DISCUSSION

The statement filed 13 September 2010 concerning the name of the second inventor explains that the inventor's name in the declaration is accurate and that the spelling in the

international application is inaccurate. This explanation of the difference in names between the international application and the declaration of inventors is accepted and noted for the record.

Declaration of Inventors

The declaration filed 13 September 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

Although the NOTICE OF ACCEPTANCE OF APPLICATION mailed 23 November 2010 was mailed before the petition under 37 CFR 1.181 was decided, it does include the correct 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 dates and is hereby affirmed.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY, NY 12203

MAILED
NOV 09 2011
OFFICE OF PETITIONS

APPLICANT(S): LEE, et al.
Appl. No.: 12/922,322
International Filing Date: March 13, 2009
Title: PEPTIDE NUCLEIC ACID DERIVATIVES WITH GOOD CELL PENETRATION AND STRONG AFFINITY FOR NUCLEIC ACID
Attorney Docket No.: 1408.054
Pub. No.: US 2011/0178031 A1
Pub. Date: July 21, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on September 1, 2011, for the above-identified application.

The request is granted-in-part.

Applicant requests that the application be republished because the patent application publication contains material error wherein drawing figures 9 and 10 were omitted and publication failed to include the preliminary amendments to the specification submitted on filing.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request with respect to the drawings is granted, in that the request identifies a material error by the Office because of a failure to print drawing figures 9 and 10.

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an

[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).

amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

It is noted that applicant alternatively requests consideration under 37 CFR 1.221(a). Accordingly, 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".

The corrected patent 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

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.
12/922,328	09/13/2010	Yasuhiko Wakabayashi	J-10-0436	9536

71799 7590 01/24/2011
Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER

ART UNIT	PAPER NUMBER
2423	

NOTIFICATION DATE	DELIVERY MODE
01/24/2011	ELECTRONIC

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

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

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

jackson.chen@necam.com
KENSAKU.SATO@NECAM.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING TX 75039

In re Application of: Wakabayashi et al.
Application No. 12/922,328
Filed: September 13, 2010
For: WIRELESS COMMUNICATION SYSTEM, BASE STATION APPARATUS, TERMINAL APPARATUS, AND BROADCAST METHOD

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

MAILED

JAN 24 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

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

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

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294.

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

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

/Christopher Grant/

Christopher Grant
Quality Assurance Specialist
Technology Center 2400

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

Application No:	12/922,333	Filing date:	September 13, 2010
First Named Inventor:	Masaharu MIYAHISA		
Title of the Invention:	NEGATIVE ELECTRODE FOR NONAQUEOUS BATTERY, ELECTRODE GROUP FOR NONAQUEOUS		

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/JP2009/006117

The international date of the corresponding PCT application(s) is/are: November 16, 2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

(continued)

Application No.:	12/922,333
First Named Inventor:	Masaharu MIYAHISA

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 13, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 13, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-12	1-12	SAME

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

Signature	Date September 17, 2010
Name (Print/Typed) Michael E. Fogarty	Registration Number 36,139

M09-AK48/US1

CERTIFICATE OF TRANSLATION

I, the undersigned, hereby certify

that I am well acquainted with the English and Japanese languages,

that I prepared the attached document, and

that, to the best of my knowledge and belief, the attached document is an accurate translation of International Patent Application No. PCT/JP2009/006117.

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

June 23, 2010

Date

Translation of claims determined to be patentable by the ISA

1. A negative electrode for a nonaqueous battery including an active material layer formed on a surface of a current collector core, the negative electrode comprising:

a double-coated part which includes the active material layer formed on each surface of the current collector core;

a core exposed part which is located at an end of the current collector core, and does not include the active material layer; and

a single-coated part which is located between the double-coated part and the core exposed part, and includes the active material layer formed only on one of the surfaces of the current collector core, wherein

a plurality of grooves are formed in each surface of the double-coated part to be inclined relative to a longitudinal direction of the negative electrode, while the grooves are not formed in the single-coated part,

a negative electrode current collector lead is connected to the core exposed part, and

the negative electrode is wound in such a manner that the core exposed part constitutes a last wound end.

2. The negative electrode for the nonaqueous battery of claim 1, wherein

a phase of the grooves formed in one of the surfaces of the double-coated part is symmetric with a phase of the grooves formed in the other surface of the double-coated part.

3. The negative electrode for the nonaqueous battery of claim 1, wherein

a depth of the grooves formed in each of the surfaces of the double-coated part is in

the range of 4 μm to 20 μm.

4. The negative electrode for the nonaqueous battery of claim 1, wherein

the grooves formed in each of the surfaces of the double-coated part are arranged at a pitch of 100 μm to 200 μm in the longitudinal direction of the negative electrode.

5. The negative electrode for the nonaqueous battery of claim 1, wherein

the grooves formed in each of the surfaces of the double-coated part extend from one lateral end to the other lateral end of the negative electrode.

6. The negative electrode for the nonaqueous battery of claim 1, wherein

the grooves formed in one of the surfaces of the double-coated part, and the grooves formed in the other surface of the double-coated part are inclined at an angle of 45° relative to the longitudinal direction of the negative electrode in different directions, so as to extend in directions crossing each other at right angles.

7. The negative electrode for the nonaqueous battery of claim 1, wherein

the negative electrode current collector lead, and the active material layer of the single-coated part are arranged on the opposite surfaces of the current collector core.

8. An electrode group for a nonaqueous battery comprising:

a positive electrode and a negative electrode wound with a separator interposed therebetween, wherein

the positive electrode includes a positive electrode active material layer formed on each surface of a positive electrode current collector core,

the negative electrode is the negative electrode of claim 1, and

the single-coated part of the negative electrode constitutes an outermost turn of the electrode group.

9. The electrode group for the nonaqueous battery of claim 8, wherein

the surface of the current collector core in the single-coated part of the negative electrode on which the active material layer is not formed constitutes an outermost circumferential surface of the electrode group.

10. A method for producing an electrode group for a nonaqueous battery comprising:

preparing a positive electrode including a positive electrode active material layer formed on each surface of a positive electrode current collector core;

preparing the negative electrode of claim 1; and

winding the positive electrode and the negative electrode with a separator interposed therebetween in such a manner that the core exposed part of the negative electrode constitutes a last wound end.

11. A cylindrical nonaqueous secondary battery, wherein

the electrode group of claim 8 is contained in a battery case,

a predetermined amount of a nonaqueous electrolyte is injected in the battery case, and

an opening of the battery case is hermetically sealed.

12. A method for producing the cylindrical nonaqueous secondary battery of

claim 11, the method comprising:

preparing a positive electrode including a positive electrode active material layer formed on each surface of a positive electrode current collector core;

preparing the negative electrode of claim 1;

winding the positive electrode and the negative electrode with a separator interposed therebetween in such a manner that the core exposed part of the negative electrode constitutes a last wound end, thereby producing an electrode group; and

introducing the electrode group and the nonaqueous electrolyte in the battery case, and sealing the battery case.

【書類名】請求の範囲
【請求項１】
集電用芯材の表面に活物質層が形成された非水系電池用負極板であって、
前記負極板は、
前記集電用芯材の両面に活物質層が形成された両面塗工部と、
前記集電用芯材の端部であって、前記活物質層が形成されていない芯材露出部と、
前記両面塗工部と前記芯材露出部との間であって、前記集電用芯材の片面にのみ活物質層が形成された片面塗工部と
を有し、
前記両面塗工部の両面に前記負極板の長手方向に対して傾斜した複数の溝部が形成され、かつ、前記片面塗工部には溝部が形成されておらず、
前記芯材露出部には、負極の集電リードが接続されており、
前記負極板は、前記芯材露出部を巻き終端として巻回されることを特徴とする非水系電池用負極板。
【請求項２】
前記両面塗工部の両面に形成された溝部は、位相が対称になっていることを特徴とする請求項１に記載の非水系電池用負極板。
【請求項３】
前記両面塗工部の両面に形成された溝部の深さは、４μｍ～２０μｍの範囲にあることを特徴とする請求項１に記載の非水系電池用負極板。
【請求項４】
前記両面塗工部の両面に形成された溝部は、前記負極板の長手方向に沿って、１００μｍ～２００μｍのピッチで形成されていることを特徴とする請求項１に記載の非水系電池用負極板。
【請求項５】
前記両面塗工部の両面に形成された溝部は、前記負極板の幅方向に対して、一端面から他端面に貫通して形成されていることを特徴とする請求項１に記載の非水系電池用負極板。
【請求項６】
前記両面塗工部の両面に形成された溝部は、前記負極板の長手方向に対して、互いに異なる方向に４５°の角度に傾斜して形成され、且つ、互いに直角に立体交差していることを特徴とする請求項１に記載の非水系電池用負極板。
【請求項７】
前記集電リードと前記片面塗工部における前記活物質層とは、前記集電用芯材に対して互いに反対側に位置していることを特徴とする請求項１に記載の非水系電池用負極板。
【請求項８】
正極板および負極板がセパレータを介して巻回されてなる非水系電池用電極群であって、
前記正極板は、正極活物質層が正極の集電用芯材の両面に形成されて構成されており、

前記負極板は、請求項１に記載の前記負極板であり、

前記負極の前記片面塗工部は、前記電極群の最外周に位置していることを特徴とする非水系電池用電極群。

【請求項９】

前記負極板の前記片面塗工部において前記活物質層が形成されていない集電用芯材の面は、前記電極群の最外周面を構成していることを特徴とする請求項８に記載の非水系電池用電極群。

【請求項１０】

正極活物質層が正極の集電用芯材の両面に形成された正極板を用意する工程と、

請求項１に記載の前記負極板を用意する工程と、

前記負極板の前記芯材露出部を巻き終端としてセパレータを介して前記正極板と前記負極板とを巻回する工程とを備えていることを特徴とする非水系電池用電極群の製造方法。

【請求項１１】

電池ケース内に、請求項８に記載の前記電極群が収容されるとともに、所定量の非水電解液が注液され、かつ、前記電池ケースの開口部が密閉状態に封口されていることを特徴とする円筒形非水系二次電池。

【請求項１２】

請求項１１に記載の円筒形非水系二次電池の製造方法であって、

正極活物質層が正極の集電用芯材の両面に形成された正極板を用意する工程と、

請求項１に記載の前記負極板を用意する工程と、

前記負極板の前記芯材露出部を巻き終端としてセパレータを介して前記正極板と前記負極板とを巻回することにより、前記電極群を作製する工程と、

前記電池ケース内に前記電極群および前記非水電解液を収容して、前記電池ケースを封口する工程とを備えていることを特徴とする円筒形非水系二次電池の製造方法。

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/JP2009/006117

Box No.V

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. Citation and explanations:

The invention as set forth in claims 1-12 is not described in any of the documents cited in the ISR, and is novel.

The invention as set forth in claims 1-12 involves an inventive step in the light of documents cited in the ISR. It is neither described in any of the documents cited in the ISR nor would be obvious to a person skilled in the art that a negative electrode comprises a single-coated part between a double-coated part and a core exposed part, a plurality of grooves are formed in each surface of the double-coated part, and the negative electrode is wound in such a manner that the core exposed part constitutes a last wound end.

特許協力条約

前田
09.12.24
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）	２２．１２．２００９
出願人又は代理人 の書類記号　P054615P0	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／ＪＰ２００９／００６１１７	（日.月.年）　１６．１１．２００９	（日.月.年）　１３．０１．２００９

国際特許分類（ＩＰＣ）Int.Cl. H01M4/02(2006.01)i, H01M2/26(2006.01)i, H01M10/40(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
０７．１２．２００９

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） 近野　光知 電話番号　０３－３５８１－１１０１　内線　３４３５	４Ｋ　９２６０

国際調査機関の見解書

国際出願番号 PCT／JP2009／006117

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／JP2009／006117

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何れの文献にも開示されておらず、新規性を有する。
請求項１～１２に係る発明は、国際調査報告で引用された文献に対して進歩性を有する。上記文献には、両面塗工部と芯材露出部との間に片面塗工部を有し、両面塗工部に複数の溝が形成された負極板において、芯材露出部を巻き終端として巻回されることが記載されておらず、しかもその点は当業者といえども容易に想到し得ないものである。

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,333	09/13/2010	Masaharu Miyahisa	085393-0326	9557

53080 7590 01/10/2011
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER
ECHELMEYER, ALIX ELIZABETH

ART UNIT	PAPER NUMBER
1729	

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

January 10, 2011

In re application of Masaharu Miyahisa et al. Serial No. 12/922,333 Filed: September 13, 2010 For: NEGATIVE ELECTRODE FOR NON-AQUEOUS BATTERY, ELECTRODE GROUP FOR NON-AQUEOUS BATTERY AND METHOD FOR PRODUCING THE SAME, AND CYLINDRICAL NON-AQUEOUS SECONDARY BATTERY AND METHOD FOR PRODUCING THE SAME	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request 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 17, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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Alexandria, VA 22313-1450
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06449
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K Street, N.W.
Suite 800
Washington, DC 20005

MAILED

07 DEC 2010

PCT LEGAL ADMINISTRATION

In re Application of
ISAKSSON *et al*
U.S. Application No.: 12/922,335
PCT No.: PCT/SE2008/050285
Int. Filing Date: 14 March 2008
Priority Date: None
Attorney Docket No.: 3602-222
For: ALARM AND EVENT COORDINATION BETWEEN TELECOM NODES

DECISION

This decision is in response to the papers filed 14 September 2010 which are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 13 September 2010, applicants filed papers using the USPTO EFS-Web system as the national stage of PCT/SE2008/050285. As such, the application has been processed as the national stage of PCT/SE2008/050285.

On 14 September 2010, applicants filed the subject petition which was accompanied by a substitute transmittal letter (FORM PTO-1390).

DISCUSSION

Applicants' request that the United States Designated/Elected Office (DO/EO/US) substitute the transmittal letter filed 14 September 2010 for the transmittal letter filed with the national stage application on 13 September 2010.

This request is treated under 37 CFR 1.182.

The $400.00 petition fee pursuant to 37 CFR 1.17(f) has been charged to Deposit Account No. 02-2135 as authorized.

A review of the above-captioned application file verifies that the wrong transmittal letter (FORM PTO-1390) was submitted upon initial entry on 13 September 2010. The transmittal letter listed the international application as PCT/EP2008/052676 and the title of the application was "WIRELESS COMMUNICATION POWER CONTROL."

All other papers filed 13 September 2010 (ADS, Preliminary Amendment, international papers, and declaration filed pursuant to PCT Rule 4.17(iv)" listed the international application as PCT/SE2008/050285 and the title as "ALARM AND EVENT COORDINATION BETWEEN TELECOM NODES."

Thus, it is clear that the transmittal letter filed 13 September 2010 in the above-captioned application was sent by mistake.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The substitute transmittal letter (FORM PTO-1390) filed 14 September 2010 is considered part of the application. The original transmittal letter filed 13 September 2010 and listing the international application as PCT/EP2008/052676 will be ignored.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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DEC 17 2010

PCT LEGAL ADMINISTRATION

FLASTER/GREENBERG P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
2nd Floor
PHILADELPHIA, PA 19103

In re Application of	:	
GROVER et al.	:	DECISION ON
Application No.: 12/922,339	:	
PCT No.: PCT/GB2009/000674	:	PAPERS
Int. Filing Date: 13 March 2009	:	
Priority Date: 15 March 2008	:	UNDER 37 CFR 1.42
Attorney's Docket No.: B0730-25US	:	
For: PROPERTY GUARD	:	

This is a decision on the submission filed by applicants on 10 November 2010. The indication that inventor Kay SMITH is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 13 March 2009, applicants filed international application PCT/GB2009/000674 which claimed a priority date of 15 March 2008 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 September 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 September 2010.

On 13 September 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 08 October 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 10 November 2010, applicants filed the instant submission which includes a declaration of inventors. The indication in the declaration that inventor Kay SMITH is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 10 November 2010 includes a statement by the attorney that the "address information for inventor Smith has been updated to reflect the current address of the Administrator." However, it is not clear if the residence and citizenship are that of the inventor or the administrator. Regardless, the declaration does not include the full name, residence, mailing address, and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name *and citizenship* of the deceased inventor (37 CFR 1.497(a)(3)).

Additionally, the declaration filed 10 November 2010 is not sufficient because it contains non-initialed alterations in the block signed by Mike Smith. The alterations include his name and the title "administrator". 37 CFR 1.52(c). "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated." MPEP § 605.04(a). Item I.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a proper declaration within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

FLASTER/GREENBERG P.C.
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2nd Floor
PHILADELPHIA, PA 19103

In re Application of	:	
GROVER et al.	:	DECISION ON
Application No.: 12/922,339	:	
PCT No.: PCT/GB2009/000674	:	PAPERS
Int. Filing Date: 13 March 2009	:	
Priority Date: 15 March 2008	:	UNDER 37 CFR 1.42
Attorney's Docket No.: B0730-25US	:	
For: PROPERTY GUARD	:	

This is a decision on applicants' renewed submission under 37 CFR 1.42 filed 11 February 2011.

BACKGROUND

On 13 March 2009, applicants filed international application PCT/GB2009/000674 which claimed a priority date of 15 March 2008 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 September 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 September 2010.

On 13 September 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 08 October 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 10 November 2010, applicants filed a submission which included a declaration of inventors. The indication in the declaration that inventor Kay SMITH is deceased was treated as a request for status under 37 CFR 1.42.

On 17 December 2010, a decision was issued refusing applicants' request for status under 37 CFR 1.42. The decision also noted that the declaration filed 10 November 2010 is not sufficient because it contains non-initialed alterations in the block signed by Mike Smith.

On 11 February 2011, applicants filed the instant renewed submission under 37 CFR 1.42 which was accompanied by a new declaration of inventors.

DISCUSSION

The submission filed 11 February 2011 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 11 February 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

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

/Daniel Stemmer/

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

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:	12/922,358	Filing date:	September 13, 2010
First Named Inventor:	Yuichiro SASAKI		
Title of the Invention:	METHOD FOR FABRICATING SEMICONDUCTOR DEVICE AND PLASMA DOPING SYSTEM		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2010/002215

The international date of the corresponding PCT application(s) is/are: March 26, 2010

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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

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

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

(continued)

Application No.:	12/922,358
First Named Inventor:	Yuichiro SASAKI

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 13, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 13, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1		Same
2		Same
3		Same
4		US claim is narrower in scope (please see attached sheet)
5		Same
6		Same
7		Same
8		Same
9		Same
10		Same
11		Same
12		Same
13		Same
14		Same
15		Same
16		Same
17		Same except for claim dependency
18		Same

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

Signature	Date September 20, 2010
Name (Print/Typed) Michael E. Fogarty	Registration Number 36,139

Comments on Observation in Box VIII of WO/ISA

The present application is a national stage entry of the corresponding international application (PCT/JP2010/002215), and accelerated examination under the PPH pilot program is requested for the present application.

The written opinion on the corresponding international application, which is prepared by the Japan Patent Office as the international searching authority, shows that claims 1-18 are patentable. Box VIII of the written opinion describes that "[i]n the "forming an amorphous layer" in claim 4, a specific process for forming an amorphous layer is indefinite." To address this description, the present applicant has clarified in a separately filed Preliminary Amendment that in claim 4, an amorphous layer is formed by impingement of ions contained in a plasma. Support for this amendment is found at, for example, page 25, line 18 - page 26, line 5 of an English translation of the specification of the corresponding PCT application.

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 claims for the international patent application PCT/JP2010/002215 filed on March 26, 2010.

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.

Tomoko Yasuda
Tomoko YASUDA

July 20, 2010
Date

CLAIMS

1. A method for fabricating a semiconductor device, the method comprising:

introducing an impurity into a fin-type semiconductor region formed on a substrate using a plasma doping process, thereby forming an impurity-introduced layer; and

introducing carbon into the fin-type semiconductor region using a plasma doping process, thereby forming a carbon-introduced layer to overlap at least a part of the impurity-introduced layer.

2. The method of claim 1, wherein

the forming the impurity-introduced layer and the forming the carbon-introduced layer are performed in a same chamber.

3. The method of claim 2, wherein

the forming the impurity-introduced layer and the forming the carbon-introduced layer are simultaneously performed using a mixture of a gas containing the impurity and a gas containing carbon.

4. The method of claim 1, wherein

the forming the impurity-introduced layer includes forming an amorphous layer to overlap at least a part of the impurity-introduced layer while allowing a crystal layer to remain inside the fin-type semiconductor region.

5. The method of claim 4 further comprising

after the forming the impurity-introduced layer and the forming the carbon-

introduced layer, subjecting the amorphous layer to a heat treatment to recover crystallinity of the amorphous layer.

6. The method of claim 1, wherein

the forming the impurity-introduced layer and the forming the carbon-introduced layer are each performed at a pressure of equal to or less than 0.35 Pa.

7. The method of claim 6, wherein

the forming the impurity-introduced layer and the forming the carbon-introduced layer are each performed at a bias voltage of equal to or less than 250 V.

8. The method of claim 7, wherein

a total plasma treatment time in the forming the impurity-introduced layer and the forming the carbon-introduced layer is equal to or less than 72 seconds.

9. The method of claim 1, wherein

a total plasma treatment time in the forming the impurity-introduced layer and the forming the carbon-introduced layer is equal to or less than a maximum total plasma treatment time previously set based on the pressures and bias voltages in both of the forming the impurity-introduced layer and the forming the carbon-introduced layer.

10. The method of claim 1, wherein

the forming the impurity-introduced layer is performed using a first gas containing at least one element selected from boron, arsenic, and phosphorus, and

the forming the carbon-introduced layer is performed using a second gas containing

carbon.

11. The method of claim 10, wherein

the first gas and the second gas are used while being diluted with helium.

12. The method of claim 10, wherein

the second gas is a gas containing carbon and hydrogen.

13. The method of claim 10, wherein

the first gas is a gas containing boron and hydrogen, a gas containing arsenic and hydrogen, or a gas containing phosphorus and hydrogen, and

the second gas contains carbon and hydrogen and has a lower molecular weight than the first gas.

14. The method of claim 13, wherein

the first gas is B_2H_6, and

the second gas is CH_4 (methane).

15. The method of claim 13, wherein

the first gas is AsH_3, and

the second gas is CH_4 (methane), C_2H_6 (ethane), C_3H_6 (cyclopropane), C_2H_8 (propane), C_4H_{10} (butane), or C_4H_{10} (isobutane).

16. The method of claim 13, wherein

the first gas is PH_3, and

the second gas is CH_4 (methane) or C_2H_6 (ethane).

17. A plasma doping system for use in the method of any one of claims 1 through 16, the system comprising:

a chamber in which the substrate is placed;

a first gas supply unit for supplying a gas containing the impurity into the chamber; and

a second gas supply unit for supplying a gas containing carbon into the chamber.

18. The system of claim 17 further comprising

a third gas supply unit for supplying a diluent gas into the chamber.

請求の範囲

[請求項1]　基板上に形成されたフィン型半導体領域にプラズマドーピング法を用いて不純物を導入することにより、不純物導入層を形成する工程と、

前記フィン型半導体領域にプラズマドーピング法を用いて炭素を導入することにより、前記不純物導入層の少なくとも一部分と重複するように炭素導入層を形成する工程とを備えていることを特徴とする半導体装置の製造方法。

[請求項2]　請求項１に記載の半導体装置の製造方法において、

前記不純物導入層を形成する工程と、前記炭素導入層を形成する工程とを同一チャンバー内で実施することを特徴とする半導体装置の製造方法。

[請求項3]　請求項２に記載の半導体装置の製造方法において、

前記不純物導入層を形成する工程と、前記炭素導入層を形成する工程とを、前記不純物を含むガスと炭素を含むガスとの混合ガスを用いて同時に実施することを特徴とする半導体装置の製造方法。

[請求項4]　請求項１に記載の半導体装置の製造方法において、

前記不純物導入層を形成する工程は、前記フィン型半導体領域の内部に結晶層を残存させつつ、前記不純物導入層の少なくとも一部分と重複するようにアモルファス層を形成する工程を含むことを特徴とする半導体装置の製造方法。

[請求項5]　請求項４に記載の半導体装置の製造方法において、

前記不純物導入層を形成する工程及び前記炭素導入層を形成する工程の後に、熱処理を行って前記アモルファス層を結晶回復させる工程をさらに備えていることを特徴とする半導体装置の製造方法。

[請求項6]　請求項１に記載の半導体装置の製造方法において、

前記不純物導入層を形成する工程及び前記炭素導入層を形成する工程のそれぞれを、０．３５ｐａ以下の圧力で実施することを特徴とす

る半導体装置の製造方法。

[請求項7]　請求項６に記載の半導体装置の製造方法において、

前記不純物導入層を形成する工程及び前記炭素導入層を形成する工程のそれぞれを、２５０Ｖ以下のバイアス電圧で実施することを特徴とする半導体装置の製造方法。

[請求項8]　請求項７に記載の半導体装置の製造方法において、

前記不純物導入層を形成する工程及び前記炭素導入層を形成する工程のそれぞれのプラズマ処理時間の合計は７２秒以下であることを特徴とする半導体装置の製造方法。

[請求項9]　請求項１に記載の半導体装置の製造方法において、

前記不純物導入層を形成する工程及び前記炭素導入層を形成する工程のそれぞれのプラズマ処理時間の合計は、当該両工程での圧力及びバイアス電圧に基づいて予め設定されている上限時間以下であることを特徴とする半導体装置の製造方法。

[請求項10]　請求項１に記載の半導体装置の製造方法において、

前記不純物導入層を形成する工程を、ボロン、砒素及びリンの中から選ばれる少なくとも１つの元素を含む第１のガスを用いて実施し、

前記炭素導入層を形成する工程を、炭素を含む第２のガスを用いて実施することを特徴とする半導体装置の製造方法。

[請求項11]　請求項１０に記載の半導体装置の製造方法において、

前記第１のガス及び前記第２のガスをそれぞれヘリウムによって希釈して用いることを特徴とする半導体装置の製造方法。

[請求項12]　請求項１０に記載の半導体装置の製造方法において、

前記第２のガスは、炭素と水素とからなるガスであることを特徴とする半導体装置の製造方法。

[請求項13]　請求項１０に記載の半導体装置の製造方法において、

前記第１のガスは、ボロンと水素とからなるガス、砒素と水素とからなるガス、又はリンと水素とからなるガスであり、

前記第２のガスは、炭素と水素とからなり且つ前記第１のガスよりも分子量が小さいガスであることを特徴とする半導体装置の製造方法。

[請求項14]　請求項１３に記載の半導体装置の製造方法において、

前記第１のガスは、B_2H_6であり、

前記第２のガスは、CH_4（メタン）であることを特徴とする半導体装置の製造方法。

[請求項15]　請求項１３に記載の半導体装置の製造方法において、

前記第１のガスは、AsH_3であり、

前記第２のガスは、CH_4（メタン）、C_2H_6（エタン）、C_3H_6（シクロプロパン）、C_3H_8（プロパン）、C_4H_{10}（ブタン）、又はC_4H_{10}（イソブタン）であることを特徴とする半導体装置の製造方法。

[請求項16]　請求項１３に記載の半導体装置の製造方法において、

前記第１のガスは、PH_3であり、

前記第２のガスは、CH_4（メタン）又はC_2H_6（エタン）であることを特徴とする半導体装置の製造方法。

[請求項17]　請求項１～１６のいずれか１項に記載の半導体装置の製造方法に用いられるプラズマドーピング装置であって、

前記基板が載置されるチャンバーと、

前記チャンバー内に、前記不純物を含むガスを供給する第１のガス供給部と、

前記チャンバー内に、炭素を含むガスを供給する第２のガス供給部とを備えていることを特徴とするプラズマドーピング装置。

[請求項18]　請求項１７に記載のプラズマドーピング装置において、

前記チャンバー内に、希釈ガスを供給する第３のガス供給部をさらに備えていることを特徴とするプラズマドーピング装置。

PATENT COOPERATION TREATY

From the Japan Patent Office
INTERNATIONAL SEARCHING AUTHORITY

To:

Attorney
Hiroshi MAEDA
Mailing Address
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JAPAN

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	27.04.2010
Applicant's or agent's file reference	P055864P0
FOR FURTHER ACTION See paragraph 2 below	

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/002215	26.03.2010	27.07.2009

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

Int.Cl. H01L21/336 (2006.01)i, H01L21/265 (2006.01)i, H01L29/786(2006.01)i

Applicant

PANASONIC CORPORATION

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
- [x] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
The Japan Patent Office (ISA/JP) 3-4-3 Kasumigaseki, Chiyoda-Ku, Tokyo 100-8915	13.04.2010	4M 9056 Mitsuo Kohmoto Telephone No. 03-3581-1101 Extension 3462

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/002215

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/JP2010/002215

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

1. Statement

Novelty (N)	Claims	1-18	YES
	Claims		NO
Inventive step (IS)	Claims	1-18	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations:

Document 1: WO 2008/090771 A1 (Matsushita Electric Industrial Co., Ltd.), 31 July 2008, Entire Text, All Drawings & US 2008/0179683 A1 & CN 101601138 A
Document 2: WO 2006/114976 A1 (Matsushita Electric Industrial Co., Ltd.), 2 November 2006, Entire Text, All Drawings & US 2009/0176355 A1 & CN 101151709 A
Document 3: JP 2006-216833 A (Toshiba Corp.), 17 August 2006, Entire Text, All Drawings & US 2006/0175667 A1 & CN 1881614 A

Claims 1-18

The invention as in claims 1-18 has novelty and inventive step because none of the documents cited in the ISR teaches or suggests the invention.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/002215

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:

In the "forming an amorphous layer" in claim 4, a specific process for forming an amorphous layer is indefinite.

特許協力条約

前田
10.4.20
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
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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）	２７．０４．２０１０
出願人又は代理人の書類記号　P055864P0	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日（日.月.年）	優先日（日.月.年）
ＰＣＴ／ＪＰ２０１０／００２２１５	２６．０３．２０１０	２７．０７．２００９

国際特許分類（ＩＰＣ）Int.Cl. H01L21/336(2006.01)i, H01L21/265(2006.01)i, H01L29/786(2006.01)i

出願人（氏名又は名称）
パナソニック株式会社

１．この見解書は次の内容を含む。

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

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

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

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
１３．０４．２０１０

名称及びあて先	特許庁審査官（権限のある職員）	4M	9056
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	河本　充雄 電話番号　０３－３５８１－１１０１　内線　３４６２		

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／JP2010／002215

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／JP2010／002215

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	1－18	有
	請求項		無
進歩性（IS）	請求項	1－18	有
	請求項		無
産業上の利用可能性（IA）	請求項	1－18	有
	請求項		無

2. 文献及び説明

文献1：WO 2008/090771 A1（松下電器産業株式会社）2008.07.31, 全文、全図
& US 2008/0179683 A1 & CN 101601138 A
文献2：WO 2006/114976 A1（松下電器産業株式会社）2006.11.02, 全文、全図
& US 2009/0176355 A1 & CN 101151709 A
文献3：JP 2006-216833 A（株式会社東芝）2006.08.17, 全文、全図
& US 2006/0175667 A1 & CN 1881614 A

請求項1－18
請求項1－18に係る発明は、国際調査報告で引用された何れの文献にも開示乃至示唆されておらず、新規性及び進歩性を有する。

第Ⅷ欄　国際出願に対する意見

請求の範囲、明細書及び図面の明瞭性又は請求の範囲の明細書による十分な裏付についての意見を次に示す。

請求項４に記載の「アモルファス層を形成する工程」は、アモルファス層を形成するための具体的な方法が不明りょうである。

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.
12/922,358	09/13/2010	Yuichiro Sssaki	085393-0319	9703

53080 7590 04/19/2011
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER

ART UNIT	PAPER NUMBER
2812	

MAIL DATE	DELIVERY MODE
04/19/2011	PAPER

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

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

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

In re Application of	
SASAKI et al.	**: DECISION ON REQUEST TO**
Application No.: 12/922,358	**: PARTICIPATE IN THE PATENT**
Filed: 13 September 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 085393-0319	**: PROGRAM AND PETITION**
For: METHOD FOR FABRICATING	**: TO MAKE SPECIAL UNDER**
SEMICONDUCTOR DEVICE AND	**: 37 CFR 1.102(a)**
PLASMA DOPING SYSTEM	

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 20 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, IPAU, or USPTO;

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

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

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

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

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

along with an English translation thereof (if not in English);

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

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

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

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

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

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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26191
FISH & RICHARDSON P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

MAILED

JUL 14 2011

PCT LEGAL ADMINISTRATION

In re Application of
BILELLO *et al*
U.S. Application No.: 12/922,365
PCT No.: PCT/US2009/036833
Int. Filing Date: 11 March 2009
Priority Date: 12 March 2008
Attorney Docket No.: 20436-0012US1
For: INFLAMMATORY BIOMARKERS FOR MONITORING DEPRESSION DISORDERS

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 12 May 2011.

BACKGROUND

On 13 October 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 $65.00 surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 12 May 2011, applicants filed the subject petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a five-month extension and $1,175.00 extension fee; a declaration signed on behalf of the nonsigning inventor; a $65.00 surcharge fee; the $200.00 petition fee; a statement of facts by Elizabeth N. Kaynor; and documentary evidence in support of the petition (Exhibits A - H).

DISCUSSION

Applicants claim that the lack of a response to their repeated inquiries by co-inventor, Yiwu HE, constitutes a refusal to cooperate and have filed the subject petition under 37 CFR 1.47.

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

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

Regarding item (2) of 37 CFR 1.47(a), applicants provided a statement of facts by Ms. Kaytor listing the steps taken to obtain the signature of the nonsigning inventor. A review of the evidence shows that after sending several letters by mail and email (and not obtaining confirmation of delivery to Mr. HE), a copy of the application was received by Mr. HE on 05 March 2011. A copy of the postal receipt signed by Mr. HE was provided (Exh. F). A second copy of the application and declaration was delivered to the nonsigning inventor on 29 April 2011 (Exh. H). No response from Mr. HE has been received.

The failure to respond constitutes a refusal to cooperate as contemplated by MPEP § 409.03(d)(II). This is sufficient to satisfy item (2) of 37 CFR 1.47(a).

All requirements of 37 CFR 1.47(a) are satisfied.

CONCLUSION

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 11 March 2009, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 12 May 2011.

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

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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[1] The $200.00 petition fee was paid. The address of the nonsigning inventor is listed in the petition. The declaration signed by two of the three named inventors on behalf of the nonsigning inventor is in compliance with 37 CFR 1.497(a) and (b), and meets the requirements of MPEP § 409.03(a)(A).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Yiwu HE
2441 84th Ave., S.E.
Mercer Island, WA 98040

MAILED

JUL 14 2011

PCT LEGAL ADMINISTRATION

In re Application of
BILELLO *et al*
U.S. Application No.: 12/922,365
PCT No.: PCT/US2009/036833
Int. Filing Date: 11 March 2009
Priority Date: 12 March 2008
Attorney Docket No.: 20436-0012US1
For: INFLAMMATORY BIOMARKERS FOR MONITORING DEPRESSION DISORDERS

Dear Mr. 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. 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

FISH & RICHARDSON P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

PTO/SB/20PCT-JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12/922,372 (Atty Dkt 085393-0327)	Filing date:	September 13, 2010
First Named Inventor:	Masaharu MIYAHISA		
Title of the Invention:	POSITIVE ELECTRODE FOR NONAQUEOUS BATTERY, ELECTRODE GROUP FOR NONAQUEOUS		

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/JP2009/006114

The international date of the corresponding PCT application(s) is/are: November 16, 2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(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.:	12/922,372 (Atty Dkt 085393-0327)
First Named Inventor:	Masaharu MIYAHISA

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 13, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 13, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-12	1-12	Same

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

Signature	Date September 20, 2010
Name (Print/Typed) Michael E. Fogarty	Registration Number 36,139

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.

M09-AK482U51

CERTIFICATE OF TRANSLATION

I, the undersigned, hereby certify

that I am well acquainted with the English and Japanese languages,

that I prepared the attached document, and

that, to the best of my knowledge and belief, the attached document is an accurate translation of International Patent Application No. PCT/JP2009/006114.

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

June 23, 2010
Date

Translation of claims determined to be patentable by the ISA

1. A positive electrode for a nonaqueous battery including an active material layer formed on a surface of a current collector core, the positive electrode comprising:

a double-coated part which includes the active material layer formed on each surface of the current collector core;

a core exposed part which is located at an end of the current collector core, and does not include the active material layer; and

a single-coated part which is located between the double-coated part and the core exposed part, and includes the active material layer formed only on one of the surfaces of the current collector core, wherein

a plurality of grooves are formed in each surface of the double-coated part to be inclined relative to a longitudinal direction of the positive electrode, while the grooves are not formed in the single-coated part,

a positive electrode current collector lead is connected to the core exposed part, and

the positive electrode is wound in such a manner that the core exposed part constitutes a last wound end, or the positive electrode is accordion-folded in such a manner that the core exposed part constitutes an outermost layer.

2. The positive electrode for the nonaqueous battery of claim 1, wherein

a phase of the grooves formed in one of the surfaces of the double-coated part is symmetric with a phase of the grooves formed in the other surface of the double-coated part.

3. The positive electrode for the nonaqueous battery of claim 1, wherein

a depth of the grooves formed in each of the surfaces of the double-coated part is in

the range of 4 μm to 20 μm.

4. The positive electrode for the nonaqueous battery of claim 1, wherein

the grooves formed in each of the surfaces of the double-coated part are arranged at a pitch of 100 μm to 200 μm in the longitudinal direction of the positive electrode.

5. The positive electrode for the nonaqueous battery of claim 1, wherein

the grooves formed in each of the surfaces of the double-coated part extend from one lateral end to the other lateral end of the positive electrode.

6. The positive electrode for the nonaqueous battery of claim 1, wherein

the grooves formed in one of the surfaces of the double-coated part, and the grooves formed in the other surface of the double-coated part are inclined at an angle of 45° relative to the longitudinal direction of the positive electrode in different directions, so as to extend in directions crossing each other at right angles.

7. The positive electrode for the nonaqueous battery of claim 1, wherein

the positive electrode current collector lead, and the active material layer of the single-coated part are arranged on the same surface of the current collector core.

8. An electrode group for a nonaqueous battery comprising:

a positive electrode and a negative electrode wound with a separator interposed therebetween, wherein

the positive electrode is the positive electrode of claim 1,

the negative electrode includes a negative electrode active material layer formed on

each surface of a negative electrode current collector core, and

the single-coated part of the positive electrode constitutes an outermost turn, or an outermost layer of the electrode group.

9. The electrode group for the nonaqueous battery of claim 8, wherein

the surface of the current collector core in the single-coated part of the positive electrode on which the active material layer is not formed constitutes an outermost circumferential surface, or an outermost surface of the electrode group.

10. A method for producing an electrode group for a nonaqueous battery comprising:

preparing the positive electrode of claim 1;

preparing a negative electrode including a negative electrode active material layer formed on each surface of a negative electrode current collector core; and

winding the positive electrode and the negative electrode with a separator interposed therebetween in such a manner that the core exposed part of the positive electrode constitutes a last wound end, or accordion-folding the positive electrode and the negative electrode with the separator interposed therebetween in such a manner that the core exposed part of the positive electrode constitutes an outermost layer.

11. A rectangular nonaqueous secondary battery, wherein

the electrode group of claim 8 is contained in a battery case,

a predetermined amount of a nonaqueous electrolyte is injected in the battery case, and

an opening of the battery case is hermetically sealed.

12. A method for producing the rectangular nonaqueous secondary battery of claim 11, the method comprising:

preparing the positive electrode of claim 1;

preparing a negative electrode including a negative electrode active material layer formed on each surface of a negative electrode current collector core;

winding the positive electrode and the negative electrode with a separator interposed therebetween in such a manner that the core exposed part of the positive electrode constitutes a last wound end, or accordion-folding the positive electrode and the negative electrode with the separator interposed therebetween in such a manner that the core exposed part of the positive electrode constitutes an outermost layer, thereby producing an electrode group; and

introducing the electrode group and the nonaqueous electrolyte in the battery case, and sealing the battery case.

【書類名】請求の範囲
【請求項１】
集電用芯材の表面に活物質層が形成された非水系電池用正極板であって、
前記正極板は、
前記集電用芯材の両面に活物質層が形成された両面塗工部と、
前記集電用芯材の端部であって、前記活物質層が形成されていない芯材露出部と、
前記両面塗工部と前記芯材露出部との間であって、前記集電用芯材の片面にのみ活物質層が形成された片面塗工部と
を有し、
前記両面塗工部の両面に前記正極板の長手方向に対して傾斜した複数の溝部が形成され、かつ、前記片面塗工部には溝部が形成されておらず、
前記芯材露出部には、正極の集電リードが接続されており、
前記正極板は、前記芯材露出部を巻き終端として巻回される、または、前記芯材露出部を最表層としてつづら折りに折りたたまれることを特徴とする非水系電池用正極板。
【請求項２】
前記両面塗工部の両面に形成された溝部は、位相が対称になっていることを特徴とする請求項１に記載の非水系電池用正極板。
【請求項３】
前記両面塗工部の両面に形成された溝部の深さは、４μｍ～２０μｍの範囲にあることを特徴とする請求項１に記載の非水系電池用正極板。
【請求項４】
前記両面塗工部の両面に形成された溝部は、前記正極板の長手方向に沿って、１００μｍ～２００μｍのピッチで形成されていることを特徴とする請求項１に記載の非水系電池用正極板。
【請求項５】
前記両面塗工部の両面に形成された溝部は、前記正極板の幅方向に対して、一端面から他端面に貫通して形成されていることを特徴とする請求項１に記載の非水系電池用正極板。
【請求項６】
前記両面塗工部の両面に形成された溝部は、前記正極板の長手方向に対して、互いに異なる方向に４５°の角度に傾斜して形成され、且つ、互いに直角に立体交差していることを特徴とする請求項１に記載の非水系電池用正極板。
【請求項７】
前記集電リードと前記片面塗工部における前記活物質層とは、前記集電用芯材に対して互いに同じ側に位置していることを特徴とする請求項１に記載の非水系電池用正極板。
【請求項８】
正極板および負極板がセパレータを介して配置されてなる非水系電池用電極群であって、
前記正極板は、請求項１に記載の前記正極板であり、
前記負極板は、負極活物質層が負極の集電用芯材の両面に形成されて構成されており、

前記正極の前記片面塗工部は、前記電極群の最外周または前記電極群の最表層に位置していることを特徴とする非水系電池用電極群。

【請求項９】

前記正極板の前記片面塗工部において前記活物質層が形成されていない集電用芯材の面は、前記電極群の最外周面または前記電極群の最表面を構成していることを特徴とする請求項８に記載の非水系電池用電極群。

【請求項１０】

請求項１に記載の前記正極板を用意する工程と、

負極活物質層が負極の集電用芯材の両面に形成された負極板を用意する工程と、

前記正極板の前記芯材露出部を巻き終端としてセパレータを介して前記正極板と前記負極板とを巻回する、又は、前記正極板の前記芯材露出部を最表層としてセパレータを介して前記正極板と前記負極板とをつづら折りに折りたたむ工程とを備えていることを特徴とする非水系電池用電極群の製造方法。

【請求項１１】

電池ケース内に、請求項８に記載の前記電極群が収容されるとともに、所定量の非水電解液が注液され、かつ、前記電池ケースの開口部が密閉状態に封口されていることを特徴とする角形非水系二次電池。

【請求項１２】

請求項１１に記載の角形非水系二次電池の製造方法であって、

請求項１に記載の前記正極板を用意する工程と、

負極活物質層が負極の集電用芯材の両面に形成された負極板を用意する工程と、

前記正極板の前記芯材露出部を巻き終端としてセパレータを介して前記正極板と前記負極板とを巻回する、又は、前記正極板の前記芯材露出部を最表層としてセパレータを介して前記正極板と前記負極板とをつづら折りに折りたたむことにより、前記電極群を作製する工程と、

前記電池ケース内に前記電極群および前記非水電解液を収容して、前記電池ケースを封口する工程とを備えていることを特徴とする角形非水系二次電池の製造方法。

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/JP2009/006114

Box No.V

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. Citation and explanations:

Document 1 : WO 2005/117167 A1 (Matsushita Electric Industrial Co., Ltd.) 2005. 12. 08, ABSTRACT, CLAIMS, [0043], [0047], and FIGS. 2A to 2B

Document 2 : JP 2004-6275 A (Toshiba Corporation) 2004. 01. 08, Claims, and FIGS. 1 to 9

Document 3 : JP 2006-107853 A (Sony Co., Ltd.) 2006. 04. 20, Claims, and FIGS. 1 to 3, 5, 6, and 9

Document 4 : JP 2005-285607 A (Matsushita Electric Industrial Co., Ltd.) 2005. 10. 13, CLAIMS, EXAMPLES, and FIGS. 1 to 6

Document 5 : JP 2001-23612 A (Matsushita Electric Industrial Co., Ltd.) 2001. 01. 26, ABSTRACT, CLAIMS, EXAMPLES, and FIG. 2

The invention as set forth in claims 1-12 is not described in any of the documents cited in the ISR, is novel and involves an inventive step. It is neither described in any of the documents cited in the ISR nor would be obvious to a person skilled in the art that a plurality of grooves are formed in each surface of a double-coated part of a positive electrode to be inclined relative to a longitudinal direction of the positive electrode, while the grooves are not formed in a single-coated part of the positive electrode.

特許協力条約

発信人　日本国特許庁（国際調査機関）

前田
'09.12.24
特許

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）	２２．１２．２００９
出願人又は代理人の書類記号　P054616P0	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／ＪＰ２００９／００６１１４	（日.月.年）　１６．１１．２００９	（日.月.年）　１４．０１．２００９

国際特許分類（ＩＰＣ）Int.Cl. H01M4/02(2006.01)i, H01M2/26(2006.01)i, H01M10/40(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
１１．１２．２００９

名称及びあて先	特許庁審査官（権限のある職員）	４Ｘ	３８３９
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	近野　光知 電話番号　０３－３５８１－１１０１　内線　３４７７		

国際調査機関の見解書

国際出願番号 PCT／JP2009／006114

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／JP2009／006114

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

文献１：WO 2005/117167 A1（松下電器産業株式会社）2005.12.08，要約，請求の範囲，[0043]，[0047]，図2A-2B
文献２：JP 2004-6275 A（株式会社東芝）2004.01.08，特許請求の範囲，図1-9
文献３：JP 2006-107853 A（ソニー株式会社）2006.04.20，特許請求の範囲，図1-3，5，6，9
文献４：JP 2005-285607 A（松下電器産業株式会社）2005.10.13，特許請求の範囲，実施例，図1-6
文献５：JP 2001-23612 A（松下電器産業株式会社）2001.01.26，要約，特許請求の範囲，実施例，図2

請求項１－１２に係る発明は、国際調査報告で引用された何れの文献にも開示されておらず、新規性及び進歩性を有する。特に、非水系電池用正極板において、両面塗工部の両面に前記正極板の長手方向に対して傾斜した複数の溝部が形成され、かつ、片面塗工部には溝部が形成されていないとする点は、何れの文献にも開示されておらず、当業者にとって自明なものでもない。

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,372	09/13/2010	Masaharu Miyahisa	085393-0327	9828

53080 7590 01/04/2011
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER
MOHADDES, LADAN

ART UNIT	PAPER NUMBER
1726	

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.

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CT

January 3, 2011

In re application of	:	DECISION ON REQUEST TO
Masaharu Miyahisa et al	:	PARTICIPATE IN PATENT
Serial No. 12/922,372	:	PROSECUTION HIGHWAY
Filed: September 13, 2010	:	PROGRAM AND
For: POSITIVE ELECTRODE FOR	:	PETITION TO MAKE SPECIAL
NONAQUEOUS BATTERY	:	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 20, 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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23483
WILMERHALE/BOSTON
60 State Street
Boston, MA 02109

MAILED

JUL 12 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MOEBUS *et al* :
U.S. Application No.: 12/922,415 :
PCT No.: PCT/GB2009/050253 :
Int. Filing Date: 16 March 2009 :
Priority Date: 15 March 2008 :
Attorney Docket No.: 0289671.126US1 :
For: SPECIMEN HOLDER ASSEMBLY :

DECISION

This decision is in response to petition under 37 CFR 1.47(a) filed 11 May 2011.

BACKGROUND

On 16 March 2009, applicants filed PCT/GB2009/050253 claiming priority to two British patent applications, the earliest filed 15 March 2008. An executed declaration of inventorship under PCT Rule 4.17(iv) was submitted thereafter pursuant to PCT Rule 26*ter*.

On 13 September 2010, applicants filed papers to enter the national stage of PCT/GB2009/050253 with the United States Designated/Elected Office (DO/EO/US).

On 14 October 2010, a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) was mailed requesting a 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 11 May 2011, applicants filed the subject petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a $1,175.00 five-month extension fee; a $65.00 surcharge fee; and a $130.00 petition fee.

DISCUSSION

In response to the Form PCT/DO/EO/905 mailed 14 October 2010, applicants filed a petition under 37 CFR 1.47(a) for co-inventor, Xiaojing XU, who could not be located. However, an executed declaration of inventorship was filed in the international application pursuant to PCT Rule 4.17(iv) and 51bis.1(a)(iv). This declaration was executed by all inventors, including Xiaojing XU.

A review of this declaration shows that it is acceptable for purposes of entry into the national stage under 35 U.S.C. 371. Accordingly, a petition under 37 CFR 1.47(a) is not required.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

The Form PCT/DO/EO/905 mailed 14 October 2010 is **VACATED**.

All fees paid on 11 May 2011 ($1,175.00 five-month extension fee, $65.00 surcharge fee and $130.00 petition fee) in connection with this petition have been credited back to counsel's credit card.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,427	09/13/2010	Akira Akahane	10347/HG	1222

1933 7590 11/23/2010
HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER

ART UNIT	PAPER NUMBER
1781	

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

Commissioner for Patents
United States Patent and Trademark Office
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November 23, 2010 BC

In re application of Akira Akahane et al. Serial No. 12/922,427 Filed: September 13, 2010 For: OIL COMPOSITION FOR COATING	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed September 14, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate; and

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

29 SEP 2010

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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of:	:	
BURKHARDT, Holger, et al.	:	
U.S. Application No.: 12/922,434	:	DECISION
PCT No.: PCT/EP2008/009547	:	
International Filing Date: 12 November 2008	:	
Priority Date: 14 November 2007	:	
Attorney Docket No.: 27392/35129	:	
For: ROOF OR FACADE PANEL HAVING	:	
A SOLAR PANEL	:	

This decision is issued in response to the petition for revival under 37 CFR 1.137(b) filed 13 September 2010. The applicable petition fee has been paid.

BACKGROUND

On 12 November 2008, applicants filed international application PCT/EP2008/009547. The application claimed a priority date of 14 November 2007, and it designated the United States. On 22 May 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for requesting entry into the national stage in the United States and payment of the basic national fee was thirty months from the priority date, i.e., 14 May 2010.

Applicants did not file a request for entry into the national stage in the United States and payment of the basic national fee prior to the expiration of the thirty-month deadline. Accordingly, PCT/EP2008/009547 became abandoned with respect to the United States at midnight on 14 May 2010.

On 13 September 2010, a request for entry into the national stage for PCT/EP2008/009547 was filed in the USPTO. The submission included, among other materials, the petition for revival under 37 CFR 1.137(b) discussed below.

DISCUSSSION

The present petition, and the required statement of unintentional delay contained therein, was executed by Arthur GLANZMANN, one of the two applicants of record. Pursuant to 37 CFR 1.33(b), the petition and the statement of unintentional delay must be executed by either a patent practitioner, an assignee who has appeared in the application in accordance with 37 CFR 3.71, or

all of the applicants. Because the present petition for revival was not properly executed in accordance with 37 CFR 1.33(b), the petition has been placed in the application file, but will not be considered on the merits.

CONCLUSION

As discussed above, the petition for revival under 37 CFR 1.137(b) filed 13 September 2010 is not properly executed and therefore cannot be considered on the merits.

International application PCT/EP2008/009547 remains abandoned with respect to the United States.

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

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

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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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED

JAN 12 2011

PCT LEGAL ADMINISTRATION

In re Application of:
BURKHARDT, Holger, et al.
U.S. Application No.: 12/922,434
PCT No.: PCT/EP2008/009547
International Filing Date: 12 November 2008
Priority Date: 14 November 2007
Attorney Docket No.: 27392/35129
For: ROOF OR FACADE PANEL HAVING A SOLAR PANEL

DECISION ON PETITION
(37 CFR 1.137(b))

This decision is issued in response to the petition for revival under 37 CFR 1.137(b) filed 18 November 2010. Applicants have previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 29 September 2010. That decision confirmed that international application PCT/EP2008/009547 was abandoned with respect to the United States, and it indicated that the petition for revival under 37 CFR 1.137(b) filed on 13 September 2010 could not be considered on the merits because it was not signed by both of the applicant/inventors or their attorney.

On 18 November 2010, a second petition for revival of the international application under 37 CFR 1.137(b) was filed herein.

DISCUSSSION

The original petition for revival (Form PTO/SB64/PCT), filed on 13 September 2010, was executed by one of the two inventors of record, Arthur GLANZMANN. The second petition for revival (Form PTO/SB64/PCT), filed on 18 November 2010, was executed by the other inventor of record, Holger BURKHARDT. Thus, as of 18 November 2010, applicants submitted a petition for revival of the international application executed by both of the inventors of record. Consideration of the petition on the merits is therefore appropriate.

Applicants had previously submitted payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from

the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

CONCLUSION

The petition for revival of international application PCT/EP2008/009547 under 37 CFR 1.137(b) is **GRANTED.**

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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APR 20 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
JORDANA et al.
U.S. Application No.: 12/922,453
PCT Application No.: PCT/CA09/00321
Int. Filing Date: 12 March 2009
Priority Date: 12 March 2008
Atty. Docket No.: 1083-098U
For: DIAGNOSTIC METHOD FOR PEANUT ALLERGY

: DECISION ON REFUND

This is a decision on applicant's petition entitled "REQUEST FOR CHANGE OF ENTITY STATUS" filed on 02 December 2010.

On 13 September 2010, applicant filed a transmittal letter to enter national stage along with the basic national fee in the amount of $330. On 02 December 2010, applicant filed a request for refund of $1064 for national fees paid on 13 September 2010 along with a small entity statement.

A review of the finance records reveals that applicant paid the basic national fee ($330), search fee ($430), examination fee ($220), surcharge ($130), extra independent claims ($440), extra total claims ($468), amounting to $2018. The search fee of $540 originally paid has been refunded. However, no credit for a refund of the basic national fee and other fees upon receipt of the small entity statement appears in the finance records.

Since the small entity statement, filed on 02 December 2010, is deemed to meet the requirements of 37 CFR §1.27, a refund of **$1009** pursuant to 37 CFR §§1.28 (a) and 37 CFR 1.26 is in order and since the fees were paid by applicant's credit card, the refund will be automatically credited to applicant's credit card.

CONCLUSION

For the reasons above, applicant's request for refund filed 02 December 2010 in the amount of $1009 is **GRANTED** and has been credited to applicant's credit card.

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

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WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

MAILED
OCT 27 2010
PCT LEGAL ADMINISTRATION

In re Application of ABBASI et al
U.S. Application No.: 12/922,468
PCT Application No.: PCT/SE2008/051491
Int. Filing Date: 18 December 2008
Priority Date Claimed: 21 December 2007
Attorney Docket No.: 1103326-0960
For: NOVEL PROCESS FOR MAKING (2R)-(3-AMINO-2-FLUOROPROPYL)PHOSPHINIC ACID FORM A

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 14 September 2010.

BACKGROUND

On 18 December 2008, applicant filed international application PCT/SE2008/051491, which claimed priority of an earlier United States application filed 21 December 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 02 July 2009. The thirty-month period for paying the basic national fee in the United States expired on 21 June 2010.

On 22 June 2010, international application PCT/SE2008/051491 became abandoned as to the United States for failure to timely pay the basic national fee.

On 14 September 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 18 December 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 September 2010.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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OCT 18 2010

PCT LEGAL ADMINISTRATION

WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:	
HOYER, et al.	:	DECISION ON PETITION
Application No.: 12/922,477	:	
PCT No.: PCT/SE2008/051492	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 18 December 2008	:	
Priority Date: 21 December 2007	:	
Atty. Docket No.: 1103326-0961	:	
For: NOVEL CRYSTALLINE FORM B OF (2R)-	:	
(3-AMINO-2-FLUOROPROPYL)	:	
PHOSPHINIC ACID	:	

The petition to revive under 37 CFR 1.137(b) filed 14 September 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply form the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided the proper reply in the form of payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,478	11/16/2010	Hiroyuki Ishii	17470/077001	1800

22511 7590 04/26/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
YAO, KWANG BIN

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
04/26/2011	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):

docketing@oshaliang.com
buta@oshaliang.com
hathaway@oshaliang.com

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: ISHII ET AL.
Application No. 12/922478
Filed: Sep 14, 2010
For: MOBILE STATION AND BASE STATION APPARATUS

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed Sept 14, 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 is:
   (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
   (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
   (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

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

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

(3) 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).

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

Telephone inquiries concerning this decision should be directed to Kim Huynh at 571-272-4147.

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

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

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist
Technology Center 2400

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 17 2010

PCT LEGAL ADMINISTRATION

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

In re Application of	:	
HOCH, et al.	:	
U.S. Application No.: 12/922,487	:	DECISION ON PETITION
PCT No.: PCT/US2009/037292	:	
Int. Filing Date: 16 March 2009	:	UNDER 37 CFR 1.137(b)
Priority Date: 14 March 2008	:	
Attorney Docket No.: 2004345-0230	:	
For: AURORA KINASE INHIBITORS	:	

The petition to revive under 37 CFR 1.137(b) filed 03 November 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

Derek A. Putonen
Attorney Advisor
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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

MAILED
JUN 23 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
BADRA, Mohamad et al.	:	
Application No.: 12/922,496	:	
PCT No.: PCT/FR2009/050385	:	
Int. Filing Date: 10 March 2009	:	DECISION ON PETITION
Priority Date: 14 March 2008	:	
ATTY Docket No.: 0512-1627	:	UNDER 37 CFR 1.137(b)
For: AUTHENTICATION METHOD,	:	
AUTHENTICATION SYSTEM, SERVER	:	
TERMINAL, CLIENT TERMINAL AND	:	
COMPUTER PROGRAMS THEREFOR	:	

This decision is in response to applicant's PETITION UNDER 37 C.F.R. 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 23 May 2011.

BACKGROUND

On 10 March 2009, applicant filed international application, PCT/FR2009/050385, which claimed priority of an earlier France application filed 14 March 2008. The thirty-month period for paying the basic national fee in the United States expired on 14 September 2010.

On 14 September 2010, applicant filed national stage papers with 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 a copy of the International Application as filed required by 35 U.S.C. 371(c)(2).

On 4 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 6 December 2010, the international application PCT/FR2009/050385 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 23 May 2011, the applicant filed the present petition under 37 CFR 1.137(b).

Application No.: 12/922,496

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 in 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 detailed above, applicant's petition under 37 CFR 1.137(b) is **GRANTED**.

The application has an International Filing Date under 35 U.S.C. 363 of 10 March 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 23 May 2011.

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

Shane Thomas
PCT Legal Detailee
Office of PCT Legal Administration
Tel: (571) 272-6095

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,539	11/04/2010	Naoki Koike	2010_1268A	1295

513 7590 02/01/2011
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER
RANDALL, JR., KELVIN L

ART UNIT	PAPER NUMBER
3651	

NOTIFICATION DATE	DELIVERY MODE
02/01/2011	ELECTRONIC

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

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

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

ddalecki@wenderoth.com
eoa@wenderoth.com

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JAN 3 1 2011

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

In re application of	:	**DECISION ON REQUEST TO**
Koike et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/922,539	:	**PROSECUTION HIGHWAY**
Filed: November 04, 2010	:	**PROGRAM AND PETITION**
For: MEDICINE FEEDER AND	:	**TO MAKE SPECIAL UNDER**
MEDICINE DISPENSER	:	**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 04, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must 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.

In light of the preliminary amendment filed November 4, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 01/28/11

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DAY PITNEY LLP
ACCOUNT: ILLINOIS TOOL WORKS INC.
7 TIMES SQUARE
NEW YORK NY 10036-7311

MAILED
DEC 06 2011
DIRECT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Howell et al	:	
Application No.: 12/922,541	:	
Int. Application: PCT/US10/48617	:	
Int. Filing Date: 13 September 2010	:	REQUEST UNDER
Priority Date: 8 October 2009	:	
Attorney's Docket No.: 500769.122220	:	
For: CARTON WITH PLASTIC	:	
RECLOSABLE HEADER	:	37 CFR 1.497(d)

This is a decision on applicants' "PETITION UNDER RULE 37 CFR 1.497(d)," filed on 21 October 2011, removing joint inventor, Steven Olechowski, from the executed declaration. The $130.00 processing fee has been provided by check.

BACKGROUND

On 14 September 2011, applicants filed via EFS-WEB entry into the national stage in the United States of America. It was filed with, inter alia, the requisite basic national fee. However, no executed declaration was filed at such time.

On 20 June 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date " must be submitted within two months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment.

On 10 August 2011, applicants filed an executed declaration.

On 01 September 2011, the United States Designated/Elected Office (DO/EO/US) prematurely mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903), which indicated a date of receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) of 10 August 2011 and date of completion of all 35 USC 371 requirements of 10 August 2011.

On 21 October 2011, applicants filed, inter alia, a request under 37 CFR 1.497(d), deleting joint inventor Steven Olechowski from the declaration.

DISCUSSION

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

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

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

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

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

With respect to item (1), the statement submitted on 21 October 2011 by Steven Olechowski is sufficient because the statement states that the error in inventorship occurred without deceptive intention.

With respect to item (2), the processing fee of $130.00 has been provided by check.

With respect to item (3), Illinois Tools Works Inc., the assignees, has consented to the correction of inventorship to the above application. Assignee has filed the requisite papers establishing its right to take action under 37 CFR §3.73(b) as the Reel/Frame 026726/0493 has been provided.

However, the Statement of Assignee Under 37 CFR 1.497(d) is signed by, Maurice E. Finnegan, Group Technology Counsel, which is improper because this title is not recognized as one who has apparent authority to bind the corporation. The Statement from Assignee under 37 CFR 1.497(d) must be signed by someone who has the title that is recognized as one who has apparent authority to bind the assignee or the person is authorized to bind the assignee (i.e., person has authority to act on behalf of the assignee). Note MPEP 1820.

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

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The proper reply is either a proper request under 37 CFR 1.497(d) overcoming the above stated defects. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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DAY PITNEY LLP
ACCOUNT: ILLINOIS TOOL WORKS INC.
7 TIMES SQUARE
NEW YORK NY 10036-7311

MAILED
MAR 13 2012
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Howell et al	:	
Application No.: 12/922,541	:	
Int. Application: PCT/US10/48617	:	
Int. Filing Date: 13 September 2010	:	REQUEST UNDER
Priority Date: 8 October 2009	:	
Attorney's Docket No.: 500769.122220	:	
For: CARTON WITH PLASTIC	:	
RECLOSABLE HEADER	:	37 CFR 1.497(d)

This is a decision on applicants' "RESPONSE TO DECISION ON REQUEST UNDER 37 CFR 1.497(d)" filed on 26 January 2012.

BACKGROUND

In a decision from this Office mailed on 06 December 2011, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 26 January 2011, applicants filed the current renewed request.

DISCUSSION

A review of the renewed request reveals that applicants have satisfied item (3) of 37 CFR 1.497(d). In regard to item (3), the assignee, Illinois Tool Works Inc., consents to the removal of Steven Olechowski as a joint-inventor to the above patent application, as Mark W. Croll, Vice-President, Intellectual Property has authority to bind the assignee. The assignee has also filed the requisite papers establishing its right to take action under 37 CFR §3.73(b).

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

CONCLUSION

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

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

DAY PITNEY LLP
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7 TIMES SQUARE
NEW YORK NY 10036-7311

In re Application of HOWELL, et al. U.S. Application No.: 12/922,547 PCT No.: PCT/US2010/048619 Int. Filing Date: 13 September 2010 Priority Date: 08 October 2009 Atty Docket No.: 500769.122240 For: CARTON WITH PLASTIC RECLOSABLE HEADER	DECISION ON PETITION UNDER 37 CFR 1.497(d)

This decision is in response to applicant's petition to delete inventors filed 03 October 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 September 2010, applicant filed international application PCT/US2010/048619 which claimed priority to a previous application filed 08 October 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 08 April 2012.

On 14 September 2011, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 09 June 2011, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an 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 09 August 2011, applicant responded with a signed declaration.

On 07 September 2011, applicant was mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) informing applicant that the field declaration was non-compliant as "inventor KOENIGKRAMER missing from Oath. Applicant was afforded one month or the extendable time from the Form PCT/DO/EO/905 mailed 09 June 2011 to respond.

On 03 October 2011, applicant filed the petition under 37 CFR 1.497(d) discussed herein.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

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

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

As applicant's declaration was filed prior to the expiration of thirty months from the priority date, the $130.00 surcharge taken from applicant's deposit account on 10 August 2011 will be refunded.

CONCLUSION

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

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

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

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

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:	12/922,634 (085393-0330)	Filing date:	September 14, 2010
First Named Inventor:	Masaharu MIYAHISA		
Title of the Invention:	POSITIVE ELECTRODE FOR NONAQUEOUS BATTERY, ELECTRODE GROUP FOR NONAQUEOUS		

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/JP2009/006123

The international date of the corresponding PCT application(s) is/are: November 16, 2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(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.:	12/922,634 (085393-0330)
First Named Inventor:	Masaharu MIYAHISA

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 14, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 14, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-14	1-14	Same

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

Signature	Date September 22, 2010
Name (Print/Typed) Michael E. Fogarty	Registration Number 58,958

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/JP2009/006123.

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

June 23, 2010

Date

Translation of claims determined to be patentable by the ISA

1. A positive electrode for a nonaqueous battery comprising:
an active material layer which is formed on a surface of a current collector core, and is covered with a porous protective film, wherein
the positive electrode includes:
a double-coated part which includes the active material layer and the porous protective film formed on each surface of the current collector core;
a core exposed part which is located at an end of the current collector core, and does not include the active material layer and the porous protective film; and
a single-coated part which is located between the double-coated part and the core exposed part, and includes the active material layer and the porous protective film formed only on one of the surfaces of the current collector core,
a plurality of grooves are formed in each surface of the double-coated part, while the grooves are not formed in the single-coated part,
the grooves are formed in a surface of the porous protective film to extend in a surface of the active material layer, and a thickness of the porous protective film is smaller than a depth of the grooves,
a positive electrode current collector lead is connected to the core exposed part, and
the positive electrode is wound in such a manner that the core exposed part constitutes a last wound end, or the positive electrode is accordion-folded in such a manner that the core exposed part constitutes an outermost layer.

2. The positive electrode for the nonaqueous battery of claim 1, wherein
the porous protective film is made of a material containing inorganic oxide as a main ingredient.

3. The positive electrode for the nonaqueous battery of claim 2, wherein
the inorganic oxide which is the main ingredient of the porous protective film contains alumina and/or silica as a main ingredient.

4. The positive electrode for the nonaqueous battery of claim 1, wherein
a phase of the grooves formed in one of the surfaces of the double-coated part is symmetric with a phase of the grooves formed in the other surface of the doubl

e-coated part.

5. The positive electrode for the nonaqueous battery of claim 1, wherein the depth of the grooves formed in each of the surfaces of the double-coated part is in the range of 4 μm to 20 μm.

6. The positive electrode for the nonaqueous battery of claim 1, wherein the grooves formed in each of the surfaces of the double-coated part are arranged at a pitch of 100 μm to 200 μm in the longitudinal direction of the positive el ectrode.

7. The positive electrode for the nonaqueous battery of claim 1, wherein the grooves formed in each of the surfaces of the double-coated part extend from one lateral end to the other lateral end of the positive electrode.

8. The positive electrode for the nonaqueous battery of claim 1, wherein the grooves formed in one of the surfaces of the double-coated part, and the groo ves formed in the other surface of the double-coated part are inclined at an angle of 45 relative to the longitudinal direction of the positive electrode in different directions, so as to extend in directions crossing each other at right angles.

9. The positive electrode for the nonaqueous battery of claim 1, wherein the positive electrode current collector lead, and the active material layer and the porous protective film of the single-coated part are arranged on the same surface of the current collector core.

10. An electrode group for a nonaqueous battery comprising:
a positive electrode and a negative electrode wound with a separator interposed t herebetween, wherein
the positive electrode is the positive electrode of claim 1,
the negative electrode includes a negative electrode active material layer formed on each surface of a negative electrode current collector core, and
the single-coated part of the positive electrode constitutes an outermost turn, or a n outermost layer of the electrode group.

11. The electrode group for the nonaqueous battery of claim 10, wherein the surface of the current collector core in the single-coated part of the positive e lectrode on which the active material layer and the porous protective film are not formed constitutes an outermost circumferential surface, or an outermost layer of the electrode group.

12. A method for producing an electrode group for a nonaqueous battery compri sing:

preparing the positive electrode of claim 1;

preparing a negative electrode including a negative electrode active material layer formed on each surface of a negative electrode current collector core; and

winding the positive electrode and the negative electrode with a separator interpose d therebetween in such a manner that the core exposed part of the positive electrode consti tutes a last wound end, or accordion-folding the positive electrode and the negative electro de with the separator interposed therebetween in such a manner that the core exposed part of the positive electrode constitutes an outermost layer.

13. A rectangular nonaqueous secondary battery, wherein

the electrode group of claim 10 is contained in a battery case,

a predetermined amount of a nonaqueous electrolyte is injected in the battery case, and

an opening of the battery case is hermetically sealed.

14. A method for producing the rectangular nonaqueous secondary battery of cla im 13, the method comprising:

preparing the positive electrode of claim 1;

preparing a negative electrode including a negative electrode active material layer formed on each surface of a negative electrode current collector core;

winding the positive electrode and the negative electrode with a separator interpo sed therebetween in such a manner that the core exposed part of the positive elec trode constitutes a last wound end, or accordion-folding the positive electrode and the negative electrode with the separator interposed therebetween in such a man ner that the core exposed part of the positive electrode constitutes an outermost l ayer, thereby producing an electrode group; and

introducing the electrode group and the nonaqueous electrolyte in the battery case,

and sealing the battery case.

請求の範囲

[請求項1]　集電用芯材の表面に形成された活物質層を多孔性保護膜で被覆した非水系電池用正極板であって、

前記正極板は、

前記集電用芯材の両面に前記活物質層および多孔性保護膜が形成された両面塗工部と、

前記集電用芯材の端部であって、前記活物質層および多孔性保護膜が形成されていない芯材露出部と、

前記両面塗工部と前記芯材露出部との間であって、前記集電用芯材の片面にのみ前記活物質層および多孔性保護膜が形成された片面塗工部と

を有し、

前記両面塗工部の両面に複数の溝部が形成され、かつ、前記片面塗工部には溝部が形成されておらず、

前記溝部は、前記多孔性保護膜の表面から前記活物質層の表面に及んで該活物質層表面にも形成され、かつ、前記多孔性保護膜の膜厚は、前記溝部の深さよりも小さく、

前記芯材露出部には、正極の集電リードを接続されており、

前記正極板は、前記芯材露出部を巻き終端として巻回される、または、前記芯材露出部を最表層としてつづら折りに折りたたまれることを特徴とする非水系電池用正極板。

[請求項2]　前記多孔性保護膜は、無機酸化物を主成分とする材料からなることを特徴とする請求項１に記載の非水系電池用正極板。

[請求項3]　前記多孔性保護膜の主成分である無機酸化物は、アルミナおよび／またはシリカを主成分とすることを特徴とする請求項２に記載の非水系電池用正極板。

[請求項4]　前記両面塗工部の両面に形成された溝部は、位相が対称になっていることを特徴とする請求項１に記載の非水系電池用正極板。

[請求項5]　前記両面塗工部の両面に形成された溝部の深さは、４μｍ～２０μｍの範囲にあることを特徴とする請求項１に記載の非水系電池用正極板。

[請求項6]　前記両面塗工部の両面に形成された溝部は、前記正極板の長手方向に沿って、１００μｍ～２００μｍのピッチで形成したことを特徴とする請求項１に記載の非水系電池用正極板。

[請求項7]　前記両面塗工部の両面に形成された溝部は、前記正極板の幅方向に対して、一端面から他端面に貫通して形成されていることを特徴とする請求項１に記載の非水系電池用正極板。

[請求項8]　前記両面塗工部の両面に形成された溝部は、前記正極板の長手方向に対して、互いに異なる方向に４５°の角度に傾斜して形成され、且つ、互いに直角に立体交差していることを特徴とする請求項１に記載の非水系電池用正極板。

[請求項9]　前記集電リードと前記片面塗工部における前記活物質層および多孔性保護膜とは、前記集電用芯材に対して互いに同じ側に位置していることを特徴とする請求項１に記載の非水系電池用正極板。

[請求項10]　正極板および負極板がセパレータを介して配置されてなる非水系電池用電極群であって、

前記正極板は、請求項１に記載の前記正極板であり、

前記負極板は、負極活物質層が負極の集電用芯材の両面に形成されて構成されており、

前記正極板の前記片面塗工部は、前記電極群の最外周または前記電極群の最表層に位置していることを特徴とする非水系電池用電極群。

[請求項11]　前記正極板の前記片面塗工部において前記活物質層および多孔性保護膜が形成されていない集電用芯材の面は、前記電極群の最外周面または前記電極群の最表面を構成していることを特徴とする請求項１０記載の非水系電池用電極群。

[請求項12]　請求項１に記載の前記正極板を用意する工程と、

負極活物質層が負極の集電用芯材の両面に形成された負極板を用意する工程と、

前記正極板の前記芯材露出部を巻き終端としてセパレータを介して前記正極板と前記負極板とを巻回する、または、前記正極板の前記芯材露出部を最表層としてセパレータを介して前記正極板と前記負極板とをつづら折りに折りたたむ工程とを備えていることを特徴とする非水系電池用電極群の製造方法。

[請求項13] 電池ケース内に、請求項１０に記載の前記電極群が収容されるとともに、所定量の非水電解液が注液され、かつ、前記電池ケースの開口部が密閉状態に封口されていることを特徴とする角形非水系二次電池。

[請求項14] 請求項１３に記載の角形非水系二次電池の製造方法であって、

請求項１に記載の前記正極板を用意する工程と、

負極活物質層が負極の集電用芯材の両面に形成された負極板を用意する工程と、

前記正極板の前記芯材露出部を巻き終端としてセパレータを介して前記正極板と前記負極板とを巻回する、又は、前記正極板の前記芯材露出部を最表層としてセパレータを介して前記正極板と前記負極板とをつづら折りに折りたたむことにより、前記電極群を作製する工程と、

前記電池ケース内に前記電極群および前記非水電解液を収容して、前記電池ケースを封口する工程とを備えていることを特徴とする角形非水系二次電池の製造方法。

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/JP2009/006123

Box No.V

1. Statement

Novelty(N)	Claims	1-14	YES
	Claims		No
Inventive step(IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability(IA)	Claims	1-14	YES
	Claims		NO

2. Citation and explanations:

Document 1 : WO 2005/117167 A1 (Matsushita Electric Industrial Co., Ltd.) 2005. 12. 08, ABSTRAC T, CLAIMS, [0043], [0047], and FIGS. 2A to 2B

Document 2 : JP 2004-6275 A (Toshiba Corporation) 2004. 01. 08, Claims, and FIGS. 1 to 9

Document 3 : JP 2006-107853 A (Sony Co., Ltd.) 2006. 04. 20, Claims, and FIGS. 1 to 3, 5, 6, and 9

Document 4 : JP 2005-285607 A (Matsushita Electric Industrial Co., Ltd.) 2005. 10. 13, CLAIMS, EX AMPLES, and FIGS. 1 to 6

Document 5 : JP 2001-23612 A (Matsushita Electric Industrial Co., Ltd.) 2001. 01. 26, ABSTRACT, C LAIMS, EXAMPLES, and FIG. 2

The invention as set forth in claims 1-14 is not described in any of the documents cited in the ISR, is novel and involves an inventive step. It is neither described in any of the docum ents cited in the ISR nor would be obvious to a person skilled in the art that a positive electrod e for a nonaqueous battery comprises an active material layer which is formed on a surface of a current collector core and is covered with a porous protective film, a plurality of grooves are formed in each surface of a double-coated part of a positive electrode to be inclined relative to a longitudinal direction of the positive electrode, while the grooves are not formed in a single-c oated part of the positive electrode, the grooves are formed in a surface of the porous protective

film to extend in a surface of the active material layer, and a thickness of the porous protectiv e film is smaller than a depth of the grooves.

特許協力条約

前田
09.12.24
特許

発信人　日本国特許庁（国際調査機関）

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

発送日 （日.月.年）　２２．１２．２００９	
出願人又は代理人の書類記号　P054618P0	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／ＪＰ２００９／００６１２３	（日.月.年）　１６．１１．２００９	（日.月.年）　１４．０１．２００９

国際特許分類（ＩＰＣ）Int.Cl. H01M4/02(2006.01)i, H01M2/26(2006.01)i, H01M10/40(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
１１．１２．２００９

名称及びあて先	特許庁審査官（権限のある職員）	４Ｘ	３８３９
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	近野　光知 電話番号　０３－３５８１－１１０１　内線　３４７７		

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／JP2009／006123

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／JP2009／006123

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	1-14	有
	請求項		無
進歩性（IS）	請求項	1-14	有
	請求項		無
産業上の利用可能性（IA）	請求項	1-14	有
	請求項		無

2. 文献及び説明

文献1：WO 2005/117167 A1（松下電器産業株式会社）2005.12.08，要約，請求の範囲，[0043]，[0047]，図2A-2B
文献2：JP 2004-6275 A（株式会社東芝）2004.01.08，特許請求の範囲，図1-9
文献3：JP 2006-107853 A（ソニー株式会社）2006.04.20，特許請求の範囲，図1-3，5，6，9
文献4：JP 2005-285607 A（松下電器産業株式会社）2005.10.13，特許請求の範囲，実施例，図1-6
文献5：JP 2001-23612 A（松下電器産業株式会社）2001.01.26，要約，特許請求の範囲，実施例，図2

請求項１－１４に係る発明は、国際調査報告で引用された何れの文献にも開示されておらず、新規性及び進歩性を有する。特に、集電用芯材の表面に形成された活物質層を多孔性保護膜で被覆した非水系電池用正極板において、両面塗工部の両面に前記正極板の長手方向に対して傾斜した複数の溝部が形成され、かつ、片面塗工部には溝部が形成されておらず、前記溝部は、前記多孔性保護膜の表面から前記活物質層の表面に及んで該活物質層表面にも形成され、かつ、前記多孔性保護膜の膜厚は、前記溝部の深さよりも小さいとする点は、何れの文献にも開示されておらず、当業者にとって自明なものでもない。

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,634	09/14/2010	Masaharu Miyahisa	085393-0330	1810

53080 7590 03/21/2011
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER
ECHELMEYER, ALIX ELIZABETH

ART UNIT	PAPER NUMBER
1729	

MAIL DATE	DELIVERY MODE
03/21/2011	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.

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Alexandria, VA 22313-1450
www.uspto.gov

EL

March 21, 2011

In re application of	:	DECISION ON REQUEST TO
Miyahisa, et al.	:	PARTICIPATE IN PATENT
Serial No. 12/922,634	:	PROSECUTION HIGHWAY
Filed: September 14, 2010	:	PROGRAM AND
For: **POSITIVE ELECTRODE FOR**	:	PETITION TO MAKE SPECIAL
NONAQUEOUS BATTERY,	:	UNDER 37 CFR 1.102(a)

ELECTRODE GROUP FOR NONAQUEOUS BATTERY AND METHOD FOR PRODUCING THE SAME, AND RECTANGULAR NONAQUEOUS SECONDARY BATTERY AND METHOD FOR PRODUCING THE SAME

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 22, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to 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

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:	12/922,637	Filing date:	September 14, 2010
First Named Inventor:	Masaharu MIYAHISA, et al.		
Title of the Invention:	NEGATIVE ELECTRODE FOR NONAQUEOUS BATTERY, ELECTRODE GROUP FOR NONAQUEOUS		

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/JP2009/006118

The international date of the corresponding PCT application(s) is/are: November 16, 2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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

(continued)

Application No.:	12/922,637
First Named Inventor:	Masaharu MIYAHISA, 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 14, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 14, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-14	1-14	Same

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

Signature	Date September 17, 2010
Name (Print/Typed) Michael E. Fogarty	Registration Number 36,139

M09-CK483US1

CERTIFICATE OF TRANSLATION

I, the undersigned, hereby certify

that I am well acquainted with the English and Japanese languages,

that I prepared the attached document, and

that, to the best of my knowledge and belief, the attached document is an accurate translation of International Patent Application No. PCT/JP2009/006118.

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

June 23, 2010

Date

Translation of claims determined to be patentable by the ISA

1. A negative electrode for a nonaqueous battery comprising:
an active material layer which is formed on a surface of a current collector co re, and is covered with a porous protective film, wherein
the negative electrode includes:
a double-coated part which includes the active material layer and the porous pr otective film formed on each surface of the current collector core;
a core exposed part which is located at an end of the current collector core, a nd does not include the active material layer and the porous protective film; a nd
a single-coated part which is located between the double-coated part and the c ore exposed part, and includes the active material layer and the porous protecti ve film formed only on one of the surfaces of the current collector core,
a plurality of grooves are formed in each surface of the double-coated part, wh ile the grooves are not formed in the single-coated part,
the grooves are formed in a surface of the porous protective film to extend in a surface of the active material layer, and a thickness of the porous protective film is smaller than a depth of the grooves,
a negative electrode current collector lead is connected to the core exposed par t, and
the negative electrode is wound in such a manner that the core exposed part c onstitutes a last wound end.

2. The negative electrode for the nonaqueous battery of claim 1, wherein the porous protective film is made of a material containing inorganic oxide as a main ingredient.

3. The negative electrode for the nonaqueous battery of claim 2, wherein the inorganic oxide which is the main ingredient of the porous protective film contains alumina and/or silica as a main ingredient.

4. The negative electrode for the nonaqueous battery of claim 1, wherein a phase of the grooves formed in one of the surfaces of the double-coated part is symmetric with a phase of the grooves formed in the other surface of the d

ouble-coated part.

5. The negative electrode for the nonaqueous battery of claim 1, wherein the depth of the grooves formed in each of the surfaces of the double-coated p art is in the range of 4 μm to 20 μm.

6. The negative electrode for the nonaqueous battery of claim 1, wherein the grooves formed in each of the surfaces of the double-coated part are arran ged at a pitch of 100 μm to 200 μm in the longitudinal direction of the negati ve electrode.

7. The negative electrode for the nonaqueous battery of claim 1, wherein the grooves formed in each of the surfaces of the double-coated part extend fr om one lateral end to the other lateral end of the negative electrode.

8. The negative electrode for the nonaqueous battery of claim 1, wherein the grooves formed in one of the surfaces of the double-coated part, and the g rooves formed in the other surface of the double-coated part are inclined at an angle of 45 relative to the longitudinal direction of the negative electrode in different directions, so as to extend in directions crossing each other at right a ngles.

9. The negative electrode for the nonaqueous battery of claim 1, wherein the negative electrode current collector lead, and the active material layer and the porous protective film of the single-coated part are arranged on the opposit e surfaces of the current collector core.

10. An electrode group for a nonaqueous battery comprising:
a positive electrode and a negative electrode wound with a separator interposed therebetween, wherein
the positive electrode includes a positive electrode active material layer formed on each surface of a positive electrode current collector core,
the negative electrode is the negative electrode of claim 1, and
the single-coated part of the negative electrode constitutes an outermost turn of the electrode group.

11. The electrode group for the nonaqueous battery of claim 10, wherein the surface of the current collector core in the single-coated part of the negativ e electrode on which the active material layer and the porous protective film a re not formed constitutes an outermost circumferential surface of the electrode group.

12. A method for producing an electrode group for a nonaqueous battery com prising:

preparing a positive electrode including a positive electrode active material lay er formed on each surface of a positive electrode current collector core;

preparing the negative electrode of claim 1; and

winding the positive electrode and the negative electrode with a separator interp osed therebetween in such a manner that the core exposed part of the negative electrod e constitutes a last wound end.

13. A cylindrical nonaqueous secondary battery, wherein

the electrode group of claim 10 is contained in a battery case,

a predetermined amount of a nonaqueous electrolyte is injected in the battery ca se, and

an opening of the battery case is hermetically sealed.

14. A method for producing the cylindrical nonaqueous secondary battery of claim 13, the method comprising:

preparing a positive electrode including a positive electrode active material lay er formed on each surface of a positive electrode current collector core;

preparing the negative electrode of claim 1;

winding the positive electrode and the negative electrode with a separator inter posed therebetween in such a manner that the core exposed part of the negativ e electrode constitutes a last wound end, thereby producing an electrode group; and

introducing the electrode group and the nonaqueous electrolyte in the battery c ase, and sealing the battery case.

M09-CK483US1
Claims of PCT/JP2009/006118.

請求の範囲

[請求項1]　集電用芯材の表面に形成された活物質層を多孔性保護膜で被覆した非水系電池用負極板であって、

前記負極板は、

前記集電用芯材の両面に前記活物質層および多孔性保護膜が形成された両面塗工部と、

前記集電用芯材の端部であって、前記活物質層および多孔性保護膜が形成されていない芯材露出部と、

前記両面塗工部と前記芯材露出部との間であって、前記集電用芯材の片面にのみ前記活物質層および多孔性保護膜が形成された片面塗工部と

を有し、

前記両面塗工部の両面に複数の溝部が形成され、かつ、前記片面塗工部には溝部が形成されておらず、

前記溝部は、前記多孔性保護膜の表面から前記活物質層の表面に及んで該活物質層表面にも形成され、かつ、前記多孔性保護膜の膜厚は、前記溝部の深さよりも小さく、

前記芯材露出部には、負極の集電リードを接続されており、

前記負極板は、前記芯材露出部を巻き終端として巻回されることを特徴とする非水系電池用負極板。

[請求項2]　前記多孔性保護膜は、無機酸化物を主成分とする材料からなることを特徴とする請求項１に記載の非水系電池用負極板。

[請求項3]　前記多孔性保護膜の主成分である無機酸化物は、アルミナおよび／またはシリカを主成分とすることを特徴とする請求項２に記載の非水系電池用負極板。

[請求項4]　前記両面塗工部の両面に形成された溝部は、位相が対称になっていることを特徴とする請求項１に記載の非水系電池用負極板。

[請求項5]　前記両面塗工部の両面に形成された溝部の深さは、４μm～２０μ

ｍの範囲にあることを特徴とする請求項１に記載の非水系電池用負極板。

[請求項6]　前記両面塗工部の両面に形成された溝部は、前記負極板の長手方向に沿って、１００μｍ～２００μｍのピッチで形成したことを特徴とする請求項１に記載の非水系電池用負極板。

[請求項7]　前記両面塗工部の両面に形成された溝部は、前記負極板の幅方向に対して、一端面から他端面に貫通して形成されていることを特徴とする請求項１に記載の非水系電池用負極板。

[請求項8]　前記両面塗工部の両面に形成された溝部は、前記負極板の長手方向に対して、互いに異なる方向に４５°の角度に傾斜して形成され、且つ、互いに直角に立体交差していることを特徴とする請求項１に記載の非水系電池用負極板。

[請求項9]　前記集電リードと前記片面塗工部における前記活物質層および多孔性保護膜とは、前記集電用芯材に対して互いに反対側に位置していることを特徴とする請求項１に記載の非水系電池用負極板。

[請求項10]　正極板および負極板がセパレータを介して巻回されてなる非水系電池用電極群であって、

前記正極板は、正極活物質層が正極の集電用芯材の両面に形成されて構成されており、

前記負極板は、請求項１に記載の前記負極板であり、

前記負極板の前記片面塗工部は、前記電極群の最外周に位置していることを特徴とする非水系電池用電極群。

[請求項11]　前記負極板の前記片面塗工部において前記活物質層および多孔性保護膜が形成されていない集電用芯材の面は、前記電極群の最外周面を構成していることを特徴とする請求項１０に記載の非水系電池用電極群。

[請求項12]　正極活物質層が正極の集電用芯材の両面に形成された正極板を用意する工程と、

請求項１に記載の前記負極板を用意する工程と、

前記負極板の前記芯材露出部を巻き終端としてセパレータを介して前記正極板と前記負極板とを巻回する工程とを備えていることを特徴とする非水系電池用電極群の製造方法。

[請求項13]　電池ケース内に、請求項１０に記載の前記電極群が収容されるとともに、所定量の非水電解液が注液され、かつ、前記電池ケースの開口部が密閉状態に封口されていることを特徴とする円筒形非水系二次電池。

[請求項14]　請求項１３に記載の円筒形非水系二次電池の製造方法であって、

正極活物質層が正極の集電用芯材の両面に形成された正極板を用意する工程と、

請求項１に記載の前記負極板を用意する工程と、

前記負極板の前記芯材露出部を巻き終端としてセパレータを介して前記正極板と前記負極板とを巻回することにより、前記電極群を作製する工程と、

前記電池ケース内に前記電極群および前記非水電解液を収容して、前記電池ケースを封口する工程とを備えていることを特徴とする円筒形非水系二次電池の製造方法。

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/JP2009/006118

Box No.V

1. Statement

Novelty(N)	Claims	1-14	YES
	Claims		NO
Inventive step(IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability(IA)	Claims	1-14	YES
	Claims		NO

2. Citation and explanations:

The invention as set forth in claims 1-14 is not described in any of the documents cited in the ISR, is novel and involves an inventive step.

It is neither described in any of the documents cited in the ISR nor would be obvious to a person skilled in the art that a single-coated part is located between the double-coated part an d the core exposed part, a plurality of grooves are formed in each surface of a double-coated p art of a negative electrode, while the negative electrode is wound in such a manner that the cor e exposed part constitutes a last wound end.

特許協力条約

発信人　日本国特許庁（国際調査機関）

前田
'09.12.24
特許

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)	２２．１２．２００９
出願人又は代理人 の書類記号　P054617P0	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／ＪＰ２００９／００６１１８	(日.月.年)　１６．１１．２００９	(日.月.年)　１４．０１．２００９

国際特許分類（ＩＰＣ）Int.Cl. H01M4/02(2006.01)i, H01M4/04(2006.01)i, H01M10/40(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
０７．１２．２００９

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） 近野　光知 電話番号　０３－３５８１－１１０１　内線　３４３５	４Ｋ　９２６０

国際調査機関の見解書

国際出願番号　PCT／JP2009／006118

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／JP2009／006118

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	1-14	有
	請求項		無
進歩性（IS）	請求項	1-14	有
	請求項		無
産業上の利用可能性（IA）	請求項	1-14	有
	請求項		無

2. 文献及び説明

請求項１～１４に係る発明は、国際調査報告で引用された何れの文献にも開示されておらず、新規性を有する。
請求項１～１４に係る発明は、国際調査報告で引用された文献に対して進歩性を有する。上記文献には、両面塗工部と芯材露出部との間に片面塗工部を有し、両面塗工部に複数の溝が形成された負極板において、芯材露出部を巻き終端として巻回されることが記載されておらず、しかもその点は当業者といえども容易に想到し得ないものである。

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.
12/922,637	09/14/2010	Masaharu Miyahisa	085393-0331	1831

53080 7590 01/10/2011
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER
ESSEX, STEPHAN J

ART UNIT	PAPER NUMBER
1727	

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

BC

January 10, 2011

In re application of Masaharu Miyahisa et al. Serial No. 12/922,637 Filed: September 14, 2010 For: NEGATIVE ELECTRODE FOR NON-AQUEOUS BATTERY, ELECTRODE GROUP FOR NON-AQUEOUS BATTERY AND METHOD FOR PRODUCING THE SAME, AND CYLINDRICAL NON-AQUEOUS SECONDARY BATTERY AND METHOD FOR PRODUCING THE SAME	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request 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 17, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

RAWLINS PATTRIC J.

PROCOPIO, CORY, HARGREAVES & SAVITCH, LLP 530 B STREET, 21ST FLOOR SAN DIEGO CA 92101 USA

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing *(day/month/year)* 27 NOVEMBER 2009 (27.11.2009)

Applicant's or agent's file reference
115925001PCT

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/US2009/033762

International filing date *(day/month/year)*
11 FEBRUARY 2009 (11.02.2009)

Applicant
DAVIDOVICI STEVE et al

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.
Filing of amendments and statement under Article 19:
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):
When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.
Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70
For more detailed instructions, see the notes on the accompanying sheet.

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

3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

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

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

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

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

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the ISA/KR
Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea

Authorized officer
COMMISSIONER

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that ammendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, paragraph 296).

What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When ? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How ? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.
Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments ?

Letter (Section 205(b)):
The amendments must be submitted with a letter.
The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below,under "Statement under Article 19(1)").
The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

(i) the claim is unchanged;
(ii) the claim is cancelled;
(iii) the claim is new;
(iv) the claim replaces one or more claims as filed;
(v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
   "Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
   "Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
   "Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
   "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
   "Claims 1 - 10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be indentified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the proceduer before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1*bis*(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43*bis*.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to , the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, National Chapters.

* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

http://www.kipo.go.kr/en/ => Patent Search => PCT-Service

ID : PCT international application number
PW : **E71WYMSF**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: http://www.ipkcenter.com
Email: ipkc@ipkcenter.com
Phone: +1 703 388 1066
Fax: +1 703 388 1084

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 115925001PCT	FOR FURTHER ACTION	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. **PCT/US2009/033762**	International filing date *(day/month/year)* **11 FEBRUARY 2009 (11.02.2009)**	(Earliest) Priority Date *(day/month/year)* 31 OCTOBER 2008 (31.10.2008)
Applicant **DAVIDOVICI STEVE et al**		

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

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

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the **language**, the international search was carried out on the basis of :
      ☒ the international application in the language in which it was filed
      ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. ☒ **Certain claims were found unsearchable** (See Box No. II)
3. ☐ **Unity of invention is lacking** (See Box No. III)
4. With regard to the **title**,
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established by this Authority to read as follows:
5. With regard to the **abstract**,
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. With regard to the drawings,
   a. the figure of the **drawings** to be published with the abstract is Figure No. 1
      ☒ as suggested by the applicant.
      ☐ as selected by this Authority, because the applicant failed to suggest a figure.
      ☐ as selected by this Authority, because this figure better characterizes the invention.
   b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2009/033762

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. ☒ Claims Nos.: 13-15, 17-18
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

Said claims are too unclear to be defined.

3. ☒ Claims Nos.: 12, 16,19
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.

2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.

☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2009/033762

A. CLASSIFICATION OF SUBJECT MATTER

A23G 3/56(2006.01)i

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

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC A23G 3/00, 3/56

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Korean Utility models and applications for Utility models since 1975, Japanese Utility models and applications for Utility models since 1975

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
e-KOMPASS(KIPO internal database), Deption

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 7014877 B2 LOBL, NAFTALI Mar. 21, 2006 See abstract; fig.2; column 4, lines 22 to 25. See fig. 9 and column 5, lines 56 to 63.	1-5, 8-11, 21-28
X	US 2006/0286283 A1 YOON, JEONG MIN Dec. 21, 2006 See figs.1-2, paragraphs [0015]-[0016] and claims 1-5. See fig. 3 and paragraph [0019].	1-11, 21-32
A	JP 05-153911 A HIDEKAZU, OGAWA et al. Jun. 22, 1993 See the whole document.	1-11

☐ Further documents are listed in the continuation of Box C. ☒ See patent family annex.

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents,such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
25 NOVEMBER 2009 (25.11.2009)	**27 NOVEMBER 2009 (27.11.2009)**
Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-	Authorized officer KIM, Tae San

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2009/033762

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 7014877 B2	21.03.2006	AU 2004-247501 A1	15.06.2004
		CA 2529890 A1	23.12.2004
		CN 1933737 A	21.03.2007
		EP 1641348 A2	05.04.2006
		IL 157759 D0	28.03.2004
		JP 2006-527695 A	07.12.2006
		KR 2006-0059904 A	02.06.2006
		US 2004-0258804 A1	23.12.2004
		US 2005-0244547 A1	03.11.2005
		WO 2004-110874 A2	23.12.2004
		WO 2004-110874 A3	23.12.2004
US 2006/0286283 A1	21.12.2006	None	
JP 05-153911 A	22.06.1993	None	

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
RAWLINS PATTRIC J.

PROCOPIO, CORY, HARGREAVES & SAVITCH, LLP 530 B STREET, 21ST FLOOR SAN DIEGO CA 92101 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)* **27 NOVEMBER 2009 (27.11.2009)**

Applicant's or agent's file reference
115925001PCT

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/033762	**11 FEBRUARY 2009 (11.02.2009)**	31 OCTOBER 2008 (31.10.2008)

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

A23G 3/56(2006.01)i

Applicant

DAVIDOVICI STEVE et al

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

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

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

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

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

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea	25 NOVEMBER 2009 (25.11.2009)	KIM, Tae San

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/033762

Box No. 1 Basis of this opinion

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

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

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

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

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

   a. type of material

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

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

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/033762

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 12-19

because:

☐ the said international application, or the said claims Nos. _____ relate to the following subject matter which does not require an international search *(specify)*:

☒ the description, claims or drawings *(indicate particular elements below)* or said claims Nos. 13-15, 17-18 are so unclear that no meaningful opinion could be formed *(specify)*:

Said claims are too unclear to define their technical features.

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

☒ no international search report has been established for said claims Nos. 12-19

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Istructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Istructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b).

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/033762

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	20, 33-34	YES
	Claims	1-11, 21-32	NO
Inventive step (IS)	Claims	20, 33-34	YES
	Claims	1-11, 21-32	NO
Industrial applicability (IA)	Claims	1-11, 20-34	YES
	Claims	None	NO

2. Citations and explanations :

The following documents are referred to for this opinion:

D1: US 7014877 B2
D2: US 2006/0286283 A1
D3: JP 05-153911 A

D1 discloses the constitution of a lollipop stick, comprising the stick provided with a candy retention end and lollipop container (see fig.2 column 4 lines 22-25). According to the preferable embodiment showed in fig.9 and column 5, lines 56-63, said lollipop stick is provided with irregularities formed adjacently to the candy retention end. Said disclosure of D1 can be a basis of denying the novelty of claims 1-5, 8-11 and 21-28 of the present invention. On the other hand, an internally or externally threaded section or a threaded cavity, which is defined in claims 6-7 and claims 29-32 of the present invention, is considered to be a technical feature that is not taught nor suggested by D1.

D2, which is related to a candy, unveils that a stick portion includes an insertion portion inserted into the interior of the body portion and a knob portion. Additionally the combination of the insertion portion and the knob portion is achieved by a screw combining structure (see fig. 3, paragraphs [0015]-[0016] and [0019], and claims 1-5). The comparison of D2 to the present invention leads to a conclusion that the document D2 teaches all the technical features of claims 1-11 and claims 21-32 of the present invention.

D3, as a prior art to a luminescent confectionery, discloses a structure where a lollipop stick consists of detachable two parts and said two parts are attached by a threaded section. Although D3 has the same features as independent claims 1, 8 and 21 of the present invention in that a engaging mechanism was employed, D3 fails to teach or suggest the arrangement of engaging mechanism and the particular function thereof.

Meanwhile, D1 to D3, alone or in any combination, neither teach nor suggest the methods described in independent claims 20 and 33-34.

Thus, claims 1-11, 21-32 of the present invention are neither novel nor inventive over any one of D1 and D2 under PCT Article 33(2)-(3), but claims 20, 33-34 are novel and inventive in view of all the prior arts, alone or taken together, under PCT Article 33(2)-(3).

Furthermore, claims 1-11, 20-34 meet the criteria set out in PCT Article 33(4) with respect to industrial applicability.

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:	
First Named Inventor:	Steve Davidovici		
Title of the Invention:	Lollipop 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/US2009/033762

The international date of the corresponding PCT application(s) is/are: 11 February 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. 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.:	
First Named Inventor:	Steve Davidovici

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
20	20	same claim
33	33	same claim
34	34	same claim

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

Signature /Pattric J. Rawlins/	Date September 14, 2010
Name (Print/Typed) Pattric J. Rawlins	Registration Number 47887

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.
12/922,659	09/14/2010	Steve Davidovici	116548-001US1	2089

27189 7590 01/11/2011
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

EXAMINER

ART UNIT	PAPER NUMBER
1782	

NOTIFICATION DATE	DELIVERY MODE
01/11/2011	ELECTRONIC

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

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

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

docketing@procopio.com
PTONotifications@procopio.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BC

January 10, 2011

In re application of	:	DECISION ON REQUEST TO
Steve Davidovici	:	PARTICIPATE IN PATENT
Serial No. 12/922,659	:	PROSECUTION HIGHWAY
Filed: September 14, 2010	:	PROGRAM AND
For: LOLLIPOP APPARATUS AND	:	PETITION TO MAKE SPECIAL
METHOD	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed September 14, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

product is not in the English language; and

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,711	11/16/2010	Hiroyuki Ishii	17470/078001	2698

22511 7590 06/08/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
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EXAMINER

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
06/08/2011	ELECTRONIC

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

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

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

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com

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Alexandria, VA 22313-1450
www.uspto.gov

Osha Liang LLP
Two Houston Center
909 Fannin Suite 3500
Houston TX 77010

In re Application of: Ishii
Application No. 12/922711
Filed: November 16, 2010
For: Radio Resource Selecting Method, Mobile Station and Radio Base Station

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 15, 2010, to make the above-identified application special.

The petition is **GRANTED.**

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

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

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

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

(3) 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) if filed before May 25, 2010.

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 Tod Swann at 571-272-3612.

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

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

Tod Swann
Quality Assurance Specialist
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,742	12/20/2010	Hiroaki Yamagishi	17470/079001	2983

22511 7590 03/03/2011
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HOUSTON, TX 77010

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
03/03/2011	ELECTRONIC

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
YAMAGISHI, HIROAKI et al	:	DECISION ON REQUEST TO
Application No. 12/922,742	:	PARTICIPATE IN PATENT
Filed: December 20, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 17470/079001	:	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 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 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 is deficient as follows:

Petitioner has not complied with items 2 and 3 above.

Regarding item 2, an English translation of the allowable/patentable claims from the JPO application and a statement that the English translation is accurate has not been provided. The filed record shows there is a set of claims in English and a statement that the attached document is a true and accurate translation of the specification of the International Application No. PCT/JP2009/058201. However, this does not meet the criteria of a translation of the allowable/patentable claims in the JPO application (2008-116465) along with a statement that the translation is accurate as required.

Regarding item 3, since there is no indication that a translation of the allowable claims of the JPO application as required in item 2 above has been provided, a determination of the claims in the US application sufficiently corresponding to the allowable/patentable claims of the JPO application cannot be made.

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.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,742		Hiroaki Yamagishi	17470/079001	2983

22511 7590 05/27/2011
OSHA LIANG L.L.P.
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HOUSTON, TX 77010

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
05/27/2011	ELECTRONIC

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

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kennedy@oshaliang.com

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
YAMAGISHI, HIROAKI	:	DECISION ON REQUEST TO
Application No. 12/922,742	:	PARTICIPATE IN PATENT
Filed: September 15, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 17470/079001	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 04, 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 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 now 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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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD,
11TH FLOOR
ARLINGTON, VA 22203

MAILED
FEB 09 2012
OFFICE OF PETITIONS

In re Application of
Toshihiro KODA et al.
Application No. 12/922,754
Filed: October 28, 2010
Attorney Docket No. ARC-1417-732
For: Easy-Adhesive Film

: 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) pilot program and the petition under 37 CFR 1.102(a), filed December 21, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is

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

iii. contains no priority claim;

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

Requirement (1-5), above, is considered to have been met. However the request to participate in the PPH program fails to meet requirement (6).

Regarding requirement (6), the documents cited by the examiner at the JPO has not been cited on an IDS.

Applicant is given **<u>ONE</u>** 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 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.

David Bucel
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,755	09/15/2010	Junichi Inoshita	2010_1257A	3132

52349 7590 03/03/2011
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
03/03/2011	ELECTRONIC

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

In re Application of	:	
INOSHITA, JUNICHI et al	:	DECISION ON REQUEST TO
Application No. 12/922,755	:	PARTICIPATE IN PATENT
Filed: September 15, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 2010_1257A	:	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 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 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 is deficient as follows:

Petitioner has not complied with item 3 above.

Regarding item 3, the claims correspondence table is incorrect. Claims correspondence table identifies claims in US application as claims 1-15. However, claims 1-15 were cancelled and replaced by claims 16-30 in a preliminary amendment. Clarification of the correspondence of claims is required.

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.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,755	09/15/2010	Junichi Inoshita	2010_1257A	3132

52349 7590 04/06/2011
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
04/06/2011	ELECTRONIC

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1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of	:	
INOSHITA, JUNICHI , et al.	:	DECISION ON REQUEST TO
Application No. 12/922,755	:	PARTICIPATE IN PATENT
Filed: September 15, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **2010_1257A**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

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

The request and petition are **GRANTED**.

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

(1) The U.S. application must 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 Wellington Chin at 571-272-3134.

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.

/ Wellington Chin/

Wellington Chin
Quality Assurance Specialist
Technology Center 2600
Communications

PTO/SB/20PCT-JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12/922,768	Filing date:	September 15, 2010
First Named Inventor:	Yukifumi YAMADA		
Title of the Invention:	SEAT RECLINING 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.

The corresponding PCT application number(s) is/are: PCT/JP2009/062093

The international date of the corresponding PCT application(s) is/are: July 2, 2009

I. List of Required Documents:

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

☑ Is attached. See Appendix A

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

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

☑ Is attached. See Appendix B

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

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

See Appendices C and D, respectively

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 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 September 15, 2010

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

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

(continued)

Application No.:	12/922,768
First Named Inventor:	Yukifumi YAMADA

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	substantially identical
2	2	substantially identical
3	3	substantially identical, multiple dependency removed
4	4	substantially identical, multiple dependency removed
5	5	substantially identical, multiple dependency removed
6	6	substantially identical, multiple dependency removed

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

Signature		Date	09/17/10
Name (Print/Typed)	Ryan W. Smith	Registration Number	62,257

APPENDIX A

COPY OF THE LATEST INTERNATIONAL WORK PRODUCT (WO/ISA)

受付
2009.10.-7
(株)共立 金山オフィス

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　脩
様

あて名
〒456-0002
日本国愛知県名古屋市熱田区金山町一丁目１９番１３号　川島ビル　２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)	０６．１０．２００９
出願人又は代理人の書類記号　PCT09809	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／ＪＰ２００９／０６２０９３	(日.月.年)　０２．０７．２００９	(日.月.年)　１５．０７．２００８

国際特許分類（ＩＰＣ）Int.Cl. A47C1/025(2006.01)i, B60N2/22(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
２５．０９．２００９

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 山崎　勝司 電話番号　０３－３５８１－１１０１　内線　３３８６	３Ｒ　８９２９

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／ＪＰ２００９／０６２０９３

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／ＪＰ２００９／０６２０９３

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：WO 2007/094444 A1（株式会社今仙電機製作所）2007.08.23, 図１１、図１２ & US 2009/0066137 A & GB 2449383 A & CN 101378678 A
文献２：JP 2007-143806 A（富士機工株式会社）2007.06.14, 図３（ファミリーなし）
文献３：JP 2003-070583 A（シロキ工業株式会社）2003.03.11, 図１（ファミリーなし）
文献４：JP 56-052010 A（ソシエテ・インダストリエル・ベルトランド・フオール）1981.05.09, 図１ & US 4348050 A & EP 23863 A1

請求項1－6に係る発明は、国際調査報告で引用された上記文献１－４にも開示されておらず、新規性・進歩性を有する。
特に、複数のポールのうち少なくとも１つのポールとガイド壁との間に配設された楔部材と、前記複数のポールに形成されたカム部に当接するカム面を有し、回転によって前記ポールを前記内歯に係合する方向に押圧するとともに、前記楔部材を径方向外方へ押圧してロアアームに対してアッパアームを相対回転させる楔押圧カム部を有するカムと備えた点は、何れの文献にも開示されておらず、当業者にとって自明な事項でもない。

APPENDIX B

Copy of Claims which were Indicated as Having Novelty, Inventive Step and Industrial Applicability

請求の範囲

[請求項1]　シートクッション側に支持されるよう適合されたロアアームと、

該ロアアームに相対回動可能に支持され、シートバック側に支持されるよう適合されたアッパアームと、

前記ロアアーム内にガイド壁によって径方向に移動可能に配設され、前記アッパアームの内周に設けられた内歯に係脱可能に係合する外歯を有する複数のポールと、

該複数のポールのうち少なくとも１つのポールと前記ガイド壁との間に配設された楔部材と、

前記複数のポールに形成されたカム部に当接するカム面を有し、回転によって前記ポールを前記内歯に係合する方向に押圧するとともに、前記楔部材を径方向外方へ押圧して前記ロアアームに対して前記アッパアームを相対回転させる楔押圧カム部を有するカムと、

該カムを一方向に回転付勢する付勢部材と、

を備えていることを特徴とするシートリクライニング装置。

[請求項2]　請求項１において、前記楔部材が作用する前記ポールのカム部には、前記カムの前記カム面によって前記径方向外方へ直接押圧される押圧部が前記ポールの中央部およびその一端部に形成され、前記楔押圧カム部によって前記径方向外方へ前記楔部材を介して押圧される押圧部が前記ポールの他端部に形成されていることを特徴とするシートリクライニング装置。

[請求項3]　請求項１または請求項２において、前記楔部材は、前記ポールに対して前記カムのロック回転方向の手前側に配置されていることを特徴とするシートリクライニング装置。

[請求項4]　請求項１ないし請求項３のいずれか１項において、前記楔部材および前記ポールの接触面と前記楔部材および前記ガイド壁の接触面との間隔は、前記径方向外方へ向かうに従い狭くなるように徐変形成され、かつそれら接触面の延長線間に含まれる領域内にカムの回転中心が

存在するように設定されていることを特徴とするシートリクライニング装置。

[請求項5]　請求項１ないし請求項４のいずれか１項において、前記楔部材は球状部材であることを特徴とするシートリクライニング装置。

[請求項6]　請求項１ないし請求項４のいずれか１項において、前記楔部材は、一端が幅広く他端に至るに従って次第に幅が狭くなる楔形状の板状部材であることを特徴とするシートリクライニング装置。

Request for Participation in the Patent Cooperation Treaty – Patent Prosecution Highway (PCT-PPH) Pilot Program between the Japan Patent Office (JPO) and the USPTO
U.S. Patent Application No. 12/922,768
Attorney Docket No. 366575US-26 PCT

APPENDIX C

English-Language Translation of the Latest International Work Product (WO/ISA)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: KOBAYASHI, Osamu
KAWASHIKA Bldg., 2nd Floor
1-19-13, Kanayamacho,
Atsuta-ku, Nagoya-shi,
Aichi-ken, 456-0002 JAPAN

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	06.10.2009
Applicant's or agent's file reference PCT09809	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/062093	02.07.2009	15.07.2008

International Patent Classification (IPC) or both national classification and IPC
A47C1/025(2006.01)i, B60N2/22(2006.01)i

Applicant
AISIN 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/	Date of completion of this opinion	Authorized officer
Japanese Patent Office	25.09.2009	
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/062093

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/JP2009/062093

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

1. Statement

Novelty (N)	Claims	1-6	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: WO2007/094444 A1 (Imasen Electric Industrial Co., Ltd.), 2007.08.23, Fig.11 , 12 &
US 2009/0066137 A & GB 2449383 A & CN 101378678 A
Document 2: JP2007-143806 A (Fuji Kiko Co., Ltd.), 2007.06.14, Fig.3 (Family: none)
Document 3: JP2003-070583 A (Shiroki Corp.), 2003.03.11, Fig.1, (Family: none)
Document 4: JP56-052010 A (Societe Industrielle Bertrand Faure), 1981.05.29, Fig. 1 &
US 4348050 A & EP 23863 A1

The invention according to Claims 1-6 is not disclosed in the aforementioned Documents 1-4 cited in the Internatinal Search Report and has novelty and inventive step.

In particular, a point that it includes a wedge member provided between at least one of the plurality of pawls and the guide wall, and a cam having a cam surface to be in contact with cam portions formed on the plurality of pawls and pressing the pawls in a direction in which the pawls are to be engaged with the inner toothed portion by a rotation of the cam, and having a wedge pressing cam portion for pressing the wedge member outwardly in a radial direction thereby rotating the upper arm relative to the lower arm, is not diclosed in any of the Documents and is not an obvious matter to one having ordinary skill in the art.

APPENDIX D

English-Language Translation of Claims which were Indicated as Having Novelty, Inventive Step and Industrial Applicability Including Statement Regarding Accuracy of English-Language Translation

CLAIMS:

1. A seat reclining device comprising:

a lower arm adapted to be fixed to a seat cushion side;

an upper arm relatively rotatably supported by the lower arm and adapted to be fixed to a seat back side;

a plurality of pawls disposed within the lower arm and movable in a radial direction guided by guide walls, and respectively having an outer toothed portion engageable with or disengageable from an inner toothed portion provided at an inner periphery of the upper arm;

a wedge member provided between at least one of the plurality of pawls and the guide wall;

a cam having a cam surface to be in contact with cam portions formed on the plurality of pawls and pressing the pawls in a direction in which the pawls are to be engaged with the inner toothed portion by a rotation of the cam, and having a wedge pressing cam portion for pressing the wedge member outwardly in a radial direction thereby rotating the upper arm relative to the lower arm; and

a biasing member for rotationally biasing the cam in one direction.

2. The seat reclining device according to claim 1, wherein the cam portion of the pawl on which the wedge member acts is provided with a pressing portion directly pressed outwardly in the radial direction by the cam surface of the cam at a central portion and one end of the pawl and a pressing portion pressed through the wedge member outwardly in the radial direction by the wedge pressing cam portion at the other end of the pawl.

3. The seat reclining device according to claim 1 or claim 2, wherein the wedge member is provided in a front side of a locking rotational direction of the cam relative to the pawl.

4. The seat reclining device according to any one of claims 1 through 3, wherein a gap between the contact surface for the wedge member with the pawl and the contact surface for the wedge member with the guide wall is provided to be gradually narrowed towards outward in the radial direction and a rotation center of the cam is positioned in an area formed between extended lines of the contact surfaces.

5. The seat reclining device according to any one of claims 1 through 4, wherein the wedge member

is of spherical shape.

6. The seat reclining device according to any one of claims 1 through 4, wherein the wedge member is a wedge shaped plate member, the width of which is wide at one end and is gradually narrowing towards the other end.

VERIFICATION OF A TRANSLATION

I, the below named translator, hereby declare that:

My name and post office address are as stated below;

That I am knowledgeable in the English and Japanese languages, and that the attached English language translation is an accurate translation of the claims of PCT/JP2009/62093 which were indicated by the latest international work product as having, novelty, inventive step and industrial applicability.

I hereby 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.

Date; September 10, 2010

Full name of the translator: Osamu Kobayashi

Signature of the translator: Osamu Kobayashi

Post Office Address: 3-6, Kamiimaike, Morioka, Higashiura-cho, Chita-gun, Aichi-ken, 470-2101 Japan

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.
12/922,768	09/15/2010	Yukifumi Yamada	366575US26PCT	3228

22850 7590 12/14/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
3636	

NOTIFICATION DATE	DELIVERY MODE
12/14/2010	ELECTRONIC

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 13 2010

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

In re application of Yamada et al. Application No. 12/922,768 Filed: September 15, 2010 For: SEAT RECLINING 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 17, 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 application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed September 15, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 12/13/10

United States Patent and Trademark Office

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

MAILED

JUN 15 2011

PCT LEGAL ADMINISTRATION

David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(Hoffman & Baron)
1 Becton Drive, MC 110
Franklin Lakes NJ 07417-1880

In re Application of	:	
Newman et al.	:	
Application No.: 12/922,776	:	DECISION
PCT No.: PCT/US2009/037115	:	
Int. Filing Date: 13 March 2009	:	ON
Priority Date: 13 March 2008	:	
Attorney Docket No.: P-8222 (102-667A PCT/US)	:	PETITION
For: Safety Needle Assembly	:	

The petition to revive under 37 CFR 1.137(b) filed on 15 September 2010 in the above-captioned application is hereby **GRANTED** as follows:

This international application was filed on 13 March 2009, claimed an earliest priority date of 13 March 2008, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 13 September 2010. This international application became abandoned with respect to the national stage in the United States for failure to timely pay the basic national fee.

Petitioner states 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 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

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:	12/922,778	Filing date:	September 15, 2010
First Named Inventor:	Yukifumi YAMADA		
Title of the Invention:	VEHICLE SEAT RECLINING APPARATUS		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/062091

The international date of the corresponding PCT application(s) is/are: July 2, 2009

I. List of Required Documents:

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

☑ Is attached. See Appendix A

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

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

☑ Is attached. See Appendix B

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

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

See Appendices C and D, respectively

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 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 September 15, 2010

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

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.:	12/922,778
First Named Inventor:	Yukifumi YAMADA

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-5	-	canceled
6	1	substantially identical
7	2	substantially identical
8	3	substantially identical
9	4	substantially identical
10	5	substantially identical

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

Signature		Date	09/17/10
Name (Print/Typed)	Ryan W. Smith	Registration Number	62,257

APPENDIX A

COPY OF THE LATEST INTERNATIONAL WORK PRODUCT (WO/ISA)

受付
2009.10.-7
(株)共立 金山オフィス

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　脩

様

あて名
〒456-0002
日本国愛知県名古屋市熱田区金山町一丁目１９番１３号　川島ビル　２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）	０６．１０．２００９
出願人又は代理人の書類記号　PCT09807	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日（日.月.年）	優先日（日.月.年）
ＰＣＴ／ＪＰ２００９／０６２０９１	０２．０７．２００９	１５．０７．２００８

国際特許分類（ＩＰＣ）Int.Cl. A47C1/025(2006.01)i, B60N2/22(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
２４．０９．２００９

名称及びあて先	特許庁審査官（権限のある職員）	３Ｒ	８９２９
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	山崎　勝司 電話番号　０３－３５８１－１１０１　内線　３３８６		

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／ＪＰ２００９／０６２０９１

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／ＪＰ２００９／０６２０９１

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	１－５	有
	請求項		無
進歩性（ＩＳ）	請求項	１－５	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	１－５	有
	請求項		無

２．　文献及び説明

文献１：JP 2004-105360 A（シロキ工業株式会社）2004.04.08, 請求項１、図１（ファミリーなし）

文献２：JP 2007-075424 A（アイシン精機株式会社）2007.03.29, 図２ & US 2007/0057558 A1 & EP 1764258 A2 & CN 1931632 A

文献３：JP 2002-065387 A（アイシン精機株式会社）2002.03.05, 図３、図８ & US 2002/0033627 A1 & DE 10142295 A

文献４：JP 2007-159847 A（アイシン精機株式会社）2007.06.28, 請求項６、図１ & US 2007/0132294 A1 & DE 102006000523 A & FR 2894528 A & CN 1982117 A

請求項１－５に係る発明は、国際調査報告で引用された上記文献１－４にも開示されておらず、新規性・進歩性を有する。

特に、ポールを、カムの外周縁に設けられたカム面に係合する内面カム部と、前記カムの側面に設けられた係合突起に係合するポール側溝カム部と、アッパアームの内周に設けられた突部に対し、ロアアームに対して前記アッパアームが所定角度回動された際に係合する係合部とを有する第１ポールと、前記カムの外周縁に設けられたカム面に係合する内面カム部と、レリーズプレートに設けられたレリーズプレート側溝カム部に係合する係合突起とを有する第２ポールとによって構成したことは、何れの文献にも開示されておらず、当業者にとって自明な事項でもない。

APPENDIX B

Copy of Claims which were Indicated as Having Novelty, Inventive Step and Industrial Applicability

請求の範囲

[請求項1]　シートクッション側に支持されるよう適合されたロアアームと、

該ロアアームに相対回動可能に支持され、シートバック側に支持されるよう適合されたアッパアームと、

前記ロアアーム内にガイド壁によって径方向に移動可能に配設され、前記アッパアームの内周に設けられた内歯に係脱可能に係合する外歯を有する複数のポールと、

回転することにより前記ポールを径方向に移動させるカムと、

該カムに一体的に取付けられたレリーズプレートと、

前記カムを一方向に回転付勢する付勢部材とを備え、

前記ポールを、

前記カムの外周縁に設けられたカム面に係合する内面カム部と、前記カムの側面に設けられた係合突起に係合するポール側溝カム部と、前記アッパアームの内周に設けられた突部に対し、前記ロアアームに対して前記アッパアームが所定角度回動された際に係合する係合部とを有する第１ポールと、

前記カムの外周縁に設けられたカム面に係合する内面カム部と、前記レリーズプレートに設けられたレリーズプレート側溝カム部に係合する係合突起とを有する第２ポールとによって構成したことを特徴とするシートリクライニング装置。

[請求項2]　請求項１において、前記ポールを、１つの前記第１ポールと、複数の前記第２ポールとで構成したことを特徴とするシートリクライニング装置。

[請求項3]　請求項２において、前記レリーズプレートを、全体として略円環形をなす一部位に扇型の切欠きを設けた形状とし、その切欠き部位に前記第１ポールを配設することにより、該第１ポールと前記レリーズプレートとを非干渉としたことを特徴とするシートリクライニング装置。

［請求項4］　請求項１ないし請求項３のいずれか１項において、前記ポールに設けられた前記内面カム部の中央部とその両側には、前記カムのカム面が作用する３つの押圧部が設けられ、前記ポールの中央部に設けられた前記押圧部および前記カムのロック回転方向の奥側に設けられた前記押圧部は、前記カムのロック回転方向への回転に伴い該カムの前記カム面に接近する傾斜面を有するカム面で構成され、前記カムのロック回転方向の手前側に設けられた前記押圧部は、前記カムの回転中心を中心とする円弧面で構成されていることを特徴とするシートリクライニング装置。

［請求項5］　請求項１ないし請求項４のいずれか１項において、前記第１ポールに、前記レリーズプレートの端面より突出するように厚みを増大させた厚み増大部を形成し、前記アッパアームに、前記レリーズプレートを収容する第１凹部と、該第１凹部よりも大きな深さを有し前記第１ポールの前記厚み増大部を収容する第２凹部とを、所定の角度範囲に亘って形成し、前記第１凹部と前記第２凹部との境界部に、前記第１ポールの前記厚み増大部に当接してリクライニング動作範囲を所定の範囲に規制する２か所の段差部を設けたことを特徴とするシートリクライニング装置。

APPENDIX C

English-Language Translation of the Latest International Work Product (WO/ISA)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: KOBAYASHI, Osamu
KAWASHIKA Bldg., 2nd Floor
1-19-13, Kanayamacho,
Atsuta-ku, Nagoya-shi,
Aichi-ken, 456-0002 JAPAN

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	06.10.2009
Applicant's or agent's file reference PCT09807	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/062091	02.07.2009	15.07.2008

International Patent Classification (IPC) or both national classification and IPC
A47C1/025(2006.01)i, B60N2/22(2006.01)i

Applicant
AISIN 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/	Date of completion of this opinion	Authorized officer
Japanese Patent Office	24.09.2009	
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/062091

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/JP2009/062091

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

1. Statement

Novelty (N)	Claims	1-5	YES
	Claims		NO
Inventive step (IS)	Claims	1-5	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP2004-105360 A (Shiroki Corp.), 2004.04.08, Claim 1; Fig.1 (Family:none)
Document 2: JP2007-075424 A (Aisin Seiki Kabushiki Kaisha), 2007.03.29, Fig.2 &
US 2007/0057558 A1 & EP 1764258 A2 & CN 1931632 A
Document 3: JP2002-065387 A (Aisin Seiki Kabushiki Kaisha), 2002.03.05,Fig.3, Fig.8 &
US2002/0033627 A1 & DE 10142295 A
Document 4: JP2007-159847 A (Aisin Seiki Kabushiki Kaisha), 2007.06.28,Claim 6; Fig.1 &
US2007/0132294 A1 & DE 102006000523 A &
FR 2894528 A & CN 1982117 A

The invention according to Claims 1-5 is not disclosed in the aforementioned Documents 1-4 cited in the Internatinal Search Report and has novelty and inventive step.

In particular, the construction that the pawls comprise a first pawl having an inner cam portion engaged with a cam surface provided on an outer circumference of the cam, a pawl grooved cam portion engaged with an engaging protrusion provided on a side surface of the cam, and an engaging portion brought into engagement with a protruding portion provided on an internal surface of the upper arm when the upper arm is pivotally moved a predetermined angle relative to the lower arm, and a second pawl having an inner cam portion engaged with the cam surface provided on the outer circumference of the cam and an engaging protrusion engaged with a release plate grooved cam portion provided in the release plate is not disclosed in any of the Documents and is not an obvious matter to one having ordinary skill in the art.

APPENDIX D

English-Language Translation of Claims which were Indicated as Having Novelty, Inventive Step and Industrial Applicability Including Statement Regarding Accuracy of English-Language Translation

CLAIMS

[Claim 1] A seat reclining apparatus comprising:

a lower arm adapted to be supported on a seat cushion;

an upper arm supported by the lower arm to be relatively pivotable and adapted to be supported on a seatback;

a plurality of pawls arranged in the lower arm to be radially movable along guide walls and having outer gears disengageably engaged with an inner gear provided on an internal surface of the upper arm;

a cam for radially moving the pawls by being rotated;

a release plate attached bodily to the cam; and

an urging member for urging the cam to rotate in one direction;

the apparatus being characterized in that the pawls comprise:

a first pawl having an inner cam portion engaged with a cam surface provided on an outer circumference of the cam, a pawl grooved cam portion engaged with an engaging protrusion provided on a side surface of the cam, and an engaging portion brought into engagement with a protruding portion provided on an internal surface of the upper arm when the upper arm is pivotally moved a predetermined angle relative to the lower arm; and

a second pawl having an inner cam portion engaged with the cam surface provided on the outer circumference of the cam and an engaging protrusion engaged with a release plate grooved cam portion provided in the release plate.

[Claim 2] The seat reclining apparatus as set forth in Claim 1, characterized in that the pawls comprise the first pawl being one in

number and the second pawls being plural in number.

[Claim 3] The seat reclining apparatus as set forth in Claim 2, characterized in that the release plate takes an approximately ring shape as a whole with a sector cutout provided at a part thereof and that the first pawl is arranged at the place of the cutout to avoid an interference between the first pawl and the release plate.

[Claim 4] The seat reclining apparatus as set forth in any one of Claims 1 to 3, characterized in that three pressed portions on which the cam surface of the cam acts are provided at a center portion and both sides of the inner cam portion provided on each pawl and that each of the pressed portion provided at the center portion and the pressed portion provided on a side ahead in a locking rotation direction of the cam of each pawl is constituted by a cam surface having an inclined surface which comes close to the cam surface of the cam with rotation of the cam in the locking rotation direction, while the pressed portion provided on a side behind in the locking rotation direction of the cam is constituted by an arc surface having its center on a rotation center of the cam.

[Claim 5] The seat reclining apparatus as set forth in any one of Claims 1 to 4, characterized in that the first pawl is formed with a thickened portion which is increased in thickness to protrude beyond an end surface of the release plate, that a first recessed portion for receiving the release plate and a second recessed portion which is deeper in depth than the first recessed portion for receiving the thickened portion of the first pawl are formed in the upper arm over a predetermined angular range, and that step portions at two places for

limiting the range of a reclining operation to a predetermined range in contact with the thickened portion of the first pawl are provided at a boundary portion between the first recessed portion and the second recessed portion.

FROM

VERIFICATION OF A TRANSLATION

I, the below named translator, hereby declare that:

My name and post office address are as stated below;

That I am knowledgeable in the English and Japanese languages, and that the attached English language translation is an accurate translation of the claims of PCT/JP2009/62091 which were indicated by the latest international work product as having, novelty, inventive step and industrial applicability.

I hereby 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.

Date; September 10, 2010

Full name of the translator: Kazuo Machida

Signature of the translator: Kazuo Machida

Post Office Address: 1-1-5, Itakura-cho, Kariya-shi, Aichi-ken, 448-0801 Japan

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.
12/922,778	09/15/2010	Yukifumi Yamada	366567US26PCT	3331

22850 7590 12/14/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
3636	

NOTIFICATION DATE	DELIVERY MODE
12/14/2010	ELECTRONIC

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

1 3 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re application of Yamada et al. Application No. 12/922,778 Filed: September 15, 2010 For: VEHICLE SEAT RECLINING APPARATUS	**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 pilot program and petition to make special require:

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

In light of the preliminary amendment filed September 15, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 12/13/10

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.
12/922,798	09/15/2010	Akihiro Kirisawa	J-10-0451	3455

71799 7590 01/10/2011
Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER
HUQ, OBAIDUL

ART UNIT	PAPER NUMBER
2473	

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):

jackson.chen@necam.com
KENSAKU.SATO@NECAM.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING TX 75039

In re Application of: KIRISAWA, AKIHIRO
Application No. 12/922,798
Filed: September 15, 2010
For: TRANSMISSION CIRCUIT AND RADIO COMMUNICATION APPARATUS

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

MAILED

JAN 07 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 November 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

UNITED STATES 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
15 NOV 2010
PCT LEGAL ADMINISTRATION

David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(Hoffman & Baron)
1 Becton Drive, MC 110
Franklin Lakes NJ 07417-1880

In re Application of
RUAN et al.
Application No.: 12/922,802
PCT No.: PCT/US2009/037084
Int. Filing Date: 13 March 2009
Priority Date: 13 March 2008
Attorney Docket No.: P-8222/2 (102-667BPCT/. . .
For: SAFETY PEN NEEDLE ASSEMBLY HAVING SHIELDING FOR PATIENT AND NON-PATIENT ENDS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 15 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 28 2011

PCT LEGAL ADMINISTRATION

David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(Hoffman & Baron)
1 Becton Drive, MC 110
Franklin Lakes NJ 07417-1880

In re Application of
RUAN et al.
Application No.: 12/922,802
PCT No.: PCT/US2009/037084
Int. Filing Date: 13 March 2009
Priority Date: 13 March 2008
Attorney Docket No.: P-8222/2 (102-667BPCT/. . .
For: SAFETY PEN NEEDLE ASSEMBLY HAVING SHIELDING FOR PATIENT AND NON-PATIENT ENDS

DECISION ON PETITION

This decision is issued in response to applicants' "Petition for Joint Inventor(s) Filing on Behalf of Other Joint Inventor(s) Who Refuses to Join in Application or Cannot Be Reached (37 CFR 1.47(a))" filed 22 April 2011 and applicant's "Supplemental Response to Notification of Missing Requirements under 35 U.S.C. 371 & Request for Recission of Petition under 37 CFR 1.47(a)" filed 03 May 2011. The Supplemental Communication 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 03 May 2011 with the present communication was executed by all the named inventors. The declaration filed 03 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 13 March 2009 under 35 U.S.C. 363 and a date of **03 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

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:	12/992,812	Filing date:	September 15, 2010
First Named Inventor:	Masaharu MIYAHISA		
Title of the Invention:	ELECTRODE GROUP FOR NONAQUEOUS BATTERY AND METHOD FOR PRODUCING THE SAME. /		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/006120

The international date of the corresponding PCT application(s) is/are: November 16, 2009

I. List of Required Documents:

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

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

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

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

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

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(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.:	12/922,812
First Named Inventor:	Masaharu MIYAHISA

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 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 September 15, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-11	1-11	Same

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

Signature	Date September 17, 2010
Name (Print/Typed) Michael E. Fogarty	Registration Number 36,139

M09-AK485US1

CERTIFICATE OF TRANSLATION

I, the undersigned, hereby certify

that I am well acquainted with the English and Japanese languages,

that I prepared the attached document, and

that, to the best of my knowledge and belief, the attached document is an accurate translation of International Patent Application No. PCT/JP2009/006120.

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

June 23, 2010

Date

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/JP2009/006120

Box No.V

1. Statement

Novelty(N)	Claims	**1-11**	YES
	Claims		No
Inventive step(IS)	Claims	**1-11**	YES
	Claims		NO
Industrial applicability(IA)	Claims	**1-11**	YES
	Claims		NO

2. Citation and explanations:

The invention as set forth in claims 1-11 is not described in any of the documents cited in the ISR, and is novel.

The invention as set forth in claims 1-11 involves an inventive step in the light of documents cited in the ISR. It is neither described in any of the documents cited in the ISR nor would be obvious to a person skilled in the art that a negative electrode comprises a single-coated part between a double-coated part and a core exposed part, a plurality of grooves are formed in each surface of the double-coated part, and the negative electrode is wound in such a manner that the core exposed part constitutes a last wound end.

特許協力条約

発信人　日本国特許庁（国際調査機関）

前田
09.12.24
特許

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)	２２．１２．２００９
出願人又は代理人の書類記号　P054619P0	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／ＪＰ２００９／００６１２０	(日.月.年)　１６．１１．２００９	(日.月.年)　１６．０１．２００９

国際特許分類（ＩＰＣ）Int.Cl. H01M4/02(2006.01)i, H01M2/26(2006.01)i, H01M10/40(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
０７．１２．２００９

名称及びあて先	特許庁審査官（権限のある職員）	４Ｋ	９２６０
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	近野　光知 電話番号　０３－３５８１－１１０１　内線　３４３５		

国際調査機関の見解書

国際出願番号 PCT／JP2009／006120

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／JP2009／006120

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	1-11	有
	請求項		無
進歩性（IS）	請求項	1-11	有
	請求項		無
産業上の利用可能性（IA）	請求項	1-11	有
	請求項		無

2. 文献及び説明

請求項１～１１に係る発明は、国際調査報告で引用された何れの文献にも開示されておらず、新規性を有する。
請求項１～１１に係る発明は、国際調査報告で引用された文献に対して進歩性を有する。上記文献には、両面塗工部と芯材露出部との間に片面塗工部を有し、両面塗工部に複数の溝が形成された負極板において、芯材露出部を巻き終端として巻回されることが記載されておらず、しかもその点は当業者といえども容易に想到し得ないものである。

Translation of claims determined to be patentable by the ISA

1. An electrode group for a nonaqueous battery comprising:

a positive electrode and a negative electrode wound with a porous insulator interposed therebetween, wherein

the positive electrode includes

a double-coated part which includes a positive electrode active material layer formed on each surface of a positive electrode current collector core; and

a core exposed part which is located at a longitudinal center of the positive electrode current collector core, and does not include the positive electrode active material layer,

a positive electrode current collector lead is connected to the core exposed part of the positive electrode,

the negative electrode includes

a double-coated part which includes a negative electrode active material layer formed on each surface of a negative electrode current collector core;

a core exposed part which is located at an end of the negative electrode current collector core, and does not include the negative electrode active material layer; and

a single-coated part which is located between the double-coated part and the core exposed part, and includes the negative electrode active material layer formed only on one of the surfaces of the current collector core of the negative electrode,

a plurality of grooves are formed in each surface of the double-coated part of the negative electrode to be inclined relative to a longitudinal direction of the negative electrode, while the grooves are not formed in the single-coated part of the negative electrode,

a negative electrode current collector lead is connected to the core exposed part of

the negative electrode, and

the negative electrode is wound in such a manner that the core exposed part of the negative electrode constitutes a last wound end.

2. The electrode group for the nonaqueous battery of claim 1, wherein

a phase of the grooves formed in one of the surfaces of the double-coated part of the negative electrode is symmetric with a phase of the grooves formed in the other surface of the double-coated part of the negative electrode.

3. The electrode group for the nonaqueous battery of claim 1, wherein

a depth of the grooves formed in each of the surfaces of the double-coated part of the negative electrode is in the range of 4 μm to 20 μm.

4. The electrode group for the nonaqueous battery of claim 1, wherein

the grooves formed in each of the surfaces of the double-coated part of the negative electrode are arranged at a pitch of 100 μm to 200 μm in the longitudinal direction of the negative electrode.

5. The electrode group for the nonaqueous battery of claim 1, wherein

the grooves formed in each of the surfaces of the double-coated part of the negative electrode extend from one lateral end to the other lateral end of the negative electrode.

6. The electrode group for the nonaqueous battery of claim 1, wherein

the grooves formed in one of the surfaces of the double-coated part of the negative electrode, and the grooves formed in the other surface of the double-coated part of the

negative electrode are inclined at an angle of 45° relative to the longitudinal direction of the negative electrode in different directions, so as to extend in directions crossing each other at right angles.

7. The electrode group for the nonaqueous battery of claim 1, wherein

the negative electrode current collector lead, and the negative electrode active material layer of the single-coated part of the negative electrode are arranged on the opposite surfaces of the negative electrode current collector core.

8. The electrode group for the nonaqueous battery of claim 1, wherein

the surface of the current collector core in the single-coated part of the negative electrode on which the negative electrode active material layer is not formed constitutes an outermost circumferential surface of the electrode group.

9. A method for producing the electrode group for a nonaqueous battery of claim 1, the method comprising:

winding the positive electrode and the negative electrode with the porous insulator interposed therebetween, wherein

the positive electrode and the negative electrode are wound in such a manner that the core exposed part of the negative electrode constitutes a last wound end.

10. A cylindrical nonaqueous secondary battery, wherein

the electrode group of claim 1 is contained in a battery case,

a predetermined amount of a nonaqueous electrolyte is injected in the battery case, and

an opening of the battery case is hermetically sealed.

11. A method for producing the cylindrical nonaqueous secondary battery of claim 10, the method comprising:

forming the electrode group by the method of claim 9; and

introducing the electrode group and the nonaqueous electrolyte in the battery case, and sealing the battery case.

【書類名】請求の範囲
【請求項１】
正極板および負極板が多孔質絶縁体を介して巻回されてなる非水系電池用電極群であって、
前記正極板は、
正極の集電用芯材の両面に正極活物質層が形成された両面塗工部と、
前記正極の集電用芯材の長手方向における中央部であって、前記正極活物質層が形成されていない芯材露出部と
を有し、
前記正極板の前記芯材露出部には、正極の集電リードが接続されており、
前記負極板は、
負極の集電用芯材の両面に負極活物質層が形成された両面塗工部と、
前記負極の集電用芯材の端部であって、前記負極活物質層が形成されていない芯材露出部と、
前記両面塗工部と前記芯材露出部との間であって、前記負極の集電用芯材の片面にのみ負極活物質層が形成された片面塗工部と
を有し、
前記負極板の前記両面塗工部の両面に前記負極板の長手方向に対して傾斜した複数の溝部が形成され、かつ、前記負極板の前記片面塗工部には溝部が形成されておらず、
前記負極板の前記芯材露出部には、負極の集電リードが接続されており、
前記負極板の前記芯材露出部を巻き終端として前記負極板が巻回されていることを特徴とする非水系電池用電極群。
【請求項２】
前記負極板の前記両面塗工部の両面に形成された溝部は、位相が対称になっていることを特徴とする請求項１に記載の非水系電池用電極群。
【請求項３】
前記負極板の前記両面塗工部の両面に形成された溝部の深さは、４μｍ～２０μｍの範囲にあることを特徴とする請求項１に記載の非水系電池用電極群。
【請求項４】
前記負極板の前記両面塗工部の両面に形成された溝部は、前記負極板の長手方向に沿って、１００μｍ～２００μｍのピッチで形成されていることを特徴とする請求項１に記載の非水系電池用電極群。
【請求項５】
前記負極板の前記両面塗工部の両面に形成された溝部は、前記負極板の幅方向に対して、一端面から他端面に貫通して形成されていることを特徴とする請求項１に記載の非水系電池用電極群。
【請求項６】
前記負極板の前記両面塗工部の両面に形成された溝部は、前記負極板の長手方向に対して、互いに異なる方向に４５°の角度に傾斜して形成され、且つ、互いに直角に立体交差

していることを特徴とする請求項１に記載の非水系電池用電極群。

【請求項７】

前記負極の集電リードと前記負極板の前記片面塗工部における前記負極活物質層とは、前記負極の集電用芯材に対して互いに反対側に位置していることを特徴とする請求項１に記載の非水系電池用電極群。

【請求項８】

前記負極板の前記片面塗工部において前記活物質層が形成されていない集電用芯材の面は、前記電極群の最外周面を構成していることを特徴とする請求項１に記載の非水系電池用電極群。

【請求項９】

請求項１に記載の非水系電池用電極群を製造する方法であって、

前記多孔質絶縁体を介して前記正極板および前記負極板を捲回する工程を備え、

前記正極板と前記負極板とを捲回する工程では、前記負極板の前記芯材露出部を巻き終端として前記負極板を捲回することを特徴とする非水系電池用電極群の製造方法。

【請求項１０】

電池ケース内に、請求項１に記載の前記電極群が収容されるとともに、所定量の非水電解液が注液され、かつ、前記電池ケースの開口部が密閉状態に封口されていることを特徴とする円筒形非水系二次電池。

【請求項１１】

請求項１０に記載の円筒形非水系二次電池の製造方法であって、

請求項９に記載の方法に従って前記電極群を作製する工程と、

前記電池ケース内に前記電極群および前記非水電解液を収容して、前記電池ケースを封口する工程とを備えていることを特徴とする円筒形非水系二次電池の製造方法。

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:	12/922,812	Filing date:	September 15, 2010
First Named Inventor:	Masaharu MIYAHISA		
Title of the Invention:	ELECTRODE GROUP FOR NONAQUEOUS BATTERY AND METHOD FOR PRODUCING THE SAME		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/006120

The international date of the corresponding PCT application(s) is/are: November 16, 2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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

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

(continued)

Application No.:	12/922,812
First Named Inventor:	Masaharu MIYAHISA

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 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 September 15, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-11	1-11	Same

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

Signature	Date September 17, 2010
Name (Print/Typed) Michael E. Fogarty	Registration Number 36,139

M09-AK485US1

CERTIFICATE OF TRANSLATION

I, the undersigned, hereby certify

that I am well acquainted with the English and Japanese languages,

that I prepared the attached document, and

that, to the best of my knowledge and belief, the attached document is an accurate translation of International Patent Application No. PCT/JP2009/006120.

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

June 23, 2010

Date

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/JP2009/006120

Box No.V

1. Statement

Novelty(N)	Claims	**1-11**	YES
	Claims		No
Inventive step(IS)	Claims	**1-11**	YES
	Claims		NO
Industrial applicability(IA)	Claims	**1-11**	YES
	Claims		NO

2. Citation and explanations:

The invention as set forth in claims 1-11 is not described in any of the documents cited in the ISR, and is novel.

The invention as set forth in claims 1-11 involves an inventive step in the light of documents cited in the ISR. It is neither described in any of the documents cited in the ISR nor would be obvious to a person skilled in the art that a negative electrode comprises a single-coated part between a double-coated part and a core exposed part, a plurality of grooves are formed in each surface of the double-coated part, and the negative electrode is wound in such a manner that the core exposed part constitutes a last wound end.

特許協力条約

前田
09.12.24
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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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）	２２．１２．２００９
出願人又は代理人 の書類記号　P054619P0	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／ＪＰ２００９／００６１２０	（日.月.年）　１６．１１．２００９	（日.月.年）　１６．０１．２００９

国際特許分類（ＩＰＣ）Int.Cl. H01M4/02(2006.01)i, H01M2/26(2006.01)i, H01M10/40(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
０７．１２．２００９

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）　４Ｋ　９２６０ 近野　光知 電話番号　０３－３５８１－１１０１　内線　３４３５

国際調査機関の見解書

国際出願番号 PCT／JP2009／006120

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／ＪＰ２００９／００６１２０

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	1-11	有
	請求項		無
進歩性（ＩＳ）	請求項	1-11	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1-11	有
	請求項		無

２．　文献及び説明

請求項１～１１に係る発明は、国際調査報告で引用された何れの文献にも開示されておらず、新規性を有する。
請求項１～１１に係る発明は、国際調査報告で引用された文献に対して進歩性を有する。上記文献には、両面塗工部と芯材露出部との間に片面塗工部を有し、両面塗工部に複数の溝が形成された負極板において、芯材露出部を巻き終端として巻回されることが記載されておらず、しかもその点は当業者といえども容易に想到し得ないものである。

Translation of claims determined to be patentable by the ISA

1. An electrode group for a nonaqueous battery comprising:

a positive electrode and a negative electrode wound with a porous insulator interposed therebetween, wherein

the positive electrode includes

a double-coated part which includes a positive electrode active material layer formed on each surface of a positive electrode current collector core; and

a core exposed part which is located at a longitudinal center of the positive electrode current collector core, and does not include the positive electrode active material layer,

a positive electrode current collector lead is connected to the core exposed part of the positive electrode,

the negative electrode includes

a double-coated part which includes a negative electrode active material layer formed on each surface of a negative electrode current collector core;

a core exposed part which is located at an end of the negative electrode current collector core, and does not include the negative electrode active material layer; and

a single-coated part which is located between the double-coated part and the core exposed part, and includes the negative electrode active material layer formed only on one of the surfaces of the current collector core of the negative electrode,

a plurality of grooves are formed in each surface of the double-coated part of the negative electrode to be inclined relative to a longitudinal direction of the negative electrode, while the grooves are not formed in the single-coated part of the negative electrode,

a negative electrode current collector lead is connected to the core exposed part of

the negative electrode, and

the negative electrode is wound in such a manner that the core exposed part of the negative electrode constitutes a last wound end.

2. The electrode group for the nonaqueous battery of claim 1, wherein

a phase of the grooves formed in one of the surfaces of the double-coated part of the negative electrode is symmetric with a phase of the grooves formed in the other surface of the double-coated part of the negative electrode.

3. The electrode group for the nonaqueous battery of claim 1, wherein

a depth of the grooves formed in each of the surfaces of the double-coated part of the negative electrode is in the range of 4 μm to 20 μm.

4. The electrode group for the nonaqueous battery of claim 1, wherein

the grooves formed in each of the surfaces of the double-coated part of the negative electrode are arranged at a pitch of 100 μm to 200 μm in the longitudinal direction of the negative electrode.

5. The electrode group for the nonaqueous battery of claim 1, wherein

the grooves formed in each of the surfaces of the double-coated part of the negative electrode extend from one lateral end to the other lateral end of the negative electrode.

6. The electrode group for the nonaqueous battery of claim 1, wherein

the grooves formed in one of the surfaces of the double-coated part of the negative electrode, and the grooves formed in the other surface of the double-coated part of the

negative electrode are inclined at an angle of 45° relative to the longitudinal direction of the negative electrode in different directions, so as to extend in directions crossing each other at right angles.

7. The electrode group for the nonaqueous battery of claim 1, wherein

the negative electrode current collector lead, and the negative electrode active material layer of the single-coated part of the negative electrode are arranged on the opposite surfaces of the negative electrode current collector core.

8. The electrode group for the nonaqueous battery of claim 1, wherein

the surface of the current collector core in the single-coated part of the negative electrode on which the negative electrode active material layer is not formed constitutes an outermost circumferential surface of the electrode group.

9. A method for producing the electrode group for a nonaqueous battery of claim 1, the method comprising:

winding the positive electrode and the negative electrode with the porous insulator interposed therebetween, wherein

the positive electrode and the negative electrode are wound in such a manner that the core exposed part of the negative electrode constitutes a last wound end.

10. A cylindrical nonaqueous secondary battery, wherein

the electrode group of claim 1 is contained in a battery case,

a predetermined amount of a nonaqueous electrolyte is injected in the battery case, and

an opening of the battery case is hermetically sealed.

11. A method for producing the cylindrical nonaqueous secondary battery of claim 10, the method comprising:

forming the electrode group by the method of claim 9; and

introducing the electrode group and the nonaqueous electrolyte in the battery case, and sealing the battery case.

【書類名】請求の範囲
【請求項１】
正極板および負極板が多孔質絶縁体を介して巻回されてなる非水系電池用電極群であって、
前記正極板は、
正極の集電用芯材の両面に正極活物質層が形成された両面塗工部と、
前記正極の集電用芯材の長手方向における中央部であって、前記正極活物質層が形成されていない芯材露出部と
を有し、
前記正極板の前記芯材露出部には、正極の集電リードが接続されており、
前記負極板は、
負極の集電用芯材の両面に負極活物質層が形成された両面塗工部と、
前記負極の集電用芯材の端部であって、前記負極活物質層が形成されていない芯材露出部と、
前記両面塗工部と前記芯材露出部との間であって、前記負極の集電用芯材の片面にのみ負極活物質層が形成された片面塗工部と
を有し、
前記負極板の前記両面塗工部の両面に前記負極板の長手方向に対して傾斜した複数の溝部が形成され、かつ、前記負極板の前記片面塗工部には溝部が形成されておらず、
前記負極板の前記芯材露出部には、負極の集電リードが接続されており、
前記負極板の前記芯材露出部を巻き終端として前記負極板が巻回されていることを特徴とする非水系電池用電極群。
【請求項２】
前記負極板の前記両面塗工部の両面に形成された溝部は、位相が対称になっていることを特徴とする請求項１に記載の非水系電池用電極群。
【請求項３】
前記負極板の前記両面塗工部の両面に形成された溝部の深さは、４μｍ～２０μｍの範囲にあることを特徴とする請求項１に記載の非水系電池用電極群。
【請求項４】
前記負極板の前記両面塗工部の両面に形成された溝部は、前記負極板の長手方向に沿って、１００μｍ～２００μｍのピッチで形成されていることを特徴とする請求項１に記載の非水系電池用電極群。
【請求項５】
前記負極板の前記両面塗工部の両面に形成された溝部は、前記負極板の幅方向に対して、一端面から他端面に貫通して形成されていることを特徴とする請求項１に記載の非水系電池用電極群。
【請求項６】
前記負極板の前記両面塗工部の両面に形成された溝部は、前記負極板の長手方向に対して、互いに異なる方向に４５°の角度に傾斜して形成され、且つ、互いに直角に立体交差

していることを特徴とする請求項１に記載の非水系電池用電極群。

【請求項７】

前記負極の集電リードと前記負極板の前記片面塗工部における前記負極活物質層とは、前記負極の集電用芯材に対して互いに反対側に位置していることを特徴とする請求項１に記載の非水系電池用電極群。

【請求項８】

前記負極板の前記片面塗工部において前記活物質層が形成されていない集電用芯材の面は、前記電極群の最外周面を構成していることを特徴とする請求項１に記載の非水系電池用電極群。

【請求項９】

請求項１に記載の非水系電池用電極群を製造する方法であって、

前記多孔質絶縁体を介して前記正極板および前記負極板を捲回する工程を備え、

前記正極板と前記負極板とを捲回する工程では、前記負極板の前記芯材露出部を巻き終端として前記負極板を捲回することを特徴とする非水系電池用電極群の製造方法。

【請求項１０】

電池ケース内に、請求項１に記載の前記電極群が収容されるとともに、所定量の非水電解液が注液され、かつ、前記電池ケースの開口部が密閉状態に封口されていることを特徴とする円筒形非水系二次電池。

【請求項１１】

請求項１０に記載の円筒形非水系二次電池の製造方法であって、

請求項９に記載の方法に従って前記電極群を作製する工程と、

前記電池ケース内に前記電極群および前記非水電解液を収容して、前記電池ケースを封口する工程とを備えていることを特徴とする円筒形非水系二次電池の製造方法。

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,812	09/15/2010	Masaharu Miyahisa	085393-0328	3559

53080 7590 01/04/2011
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER
BUCHANAN, JACOB

ART UNIT	PAPER NUMBER
1725	

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

CT

January 3, 2011

In re application of	:	DECISION ON REQUEST TO
Masaharu Miyahisa et al	:	PARTICIPATE IN PATENT
Serial No. 12/922,812	:	PROSECUTION HIGHWAY
Filed: September 15, 2010	:	PROGRAM AND
For: ELECTRODE GROUP FOR	:	PETITION TO MAKE SPECIAL
NONAQUEOUS BATTERY	:	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 17, 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

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:	12/922,816	Filing date:	September 15, 2010
First Named Inventor:	Yukifumi YAMADA		
Title of the Invention:	SEAT RECLINING 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.

The corresponding PCT application number(s) is/are: PCT/JP2009/062092

The international date of the corresponding PCT application(s) is/are: July 2, 2009

I. List of Required Documents:

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

☑ Is attached. See Appendix A

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

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

☑ Is attached. See Appendix B

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

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

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 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 September 15, 2010

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

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

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

(continued)

Application No.:	12/922,816
First Named Inventor:	Yukifumi YAMADA

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	substantially identical
2	2	substantially identical
3	3	substantially identical, multiple dependency removed
4	3	substantially identical, multiple dependency removed

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

Signature	Ryan W Smith	Date	09/17/10
Name (Print/Typed)	Ryan W, Smith	Registration Number	62,257

APPENDIX A

COPY OF THE LATEST INTERNATIONAL WORK PRODUCT (WO/ISA)

受付
2009.10.-7
(株)発立 金山オフィス

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　脩
様

あて名
〒456-0002
日本国愛知県名古屋市熱田区金山町一丁目１９番１
３号　川島ビル　２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）	０６．１０．２００９
出願人又は代理人 の書類記号　PCT09808	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／ＪＰ２００９／０６２０９２	（日.月.年）　０２．０７．２００９	（日.月.年）　１５．０７．２００８

国際特許分類（ＩＰＣ）Int.Cl. A47C1/025(2006.01)i, B60N2/22(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
２５．０９．２００９

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 山崎　勝司 電話番号　０３－３５８１－１１０１　内線　３３８６	３Ｒ　８９２９

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／ＪＰ２００９／０６２０９２

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／ＪＰ２００９／０６２０９２

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

１．　見解

新規性（Ｎ）	請求項	１－３	有
	請求項		無
進歩性（ＩＳ）	請求項	１－３	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	１－３	有
	請求項		無

２．　文献及び説明

文献１：JP 2000-342368 A（アイシン精機株式会社）2000.12.12, 図３、図４ & US 6474740 B1 & DE 10028119 A

文献２：JP 2007-319459 A（株式会社東洋シート）2007.12.13, 図２（ファミリーなし）

文献３：JP 2007-135797 A（アイシン精機株式会社）2007.06.07, 図１、図２ & US 2007/0108825 A1 & DE 102006035442 A & CN 1966306 A

請求項１－３に係る発明は、国際調査報告で引用された上記文献１－３にも開示されておらず、新規性・進歩性を有する。

特に、（Ａ）カムに係止された内端部と、ロアアームに係止された外端部と、それら内端部と外端部との間に設けられ曲成・巻回された曲成部とを有するとともに、前記外端部が前記曲成部から連続して延びる直線部を有し、前記カムを一方向に回転付勢する渦巻きばねと、（Ｂ）前記ロアアームに設けられ、前記渦巻きばねの前記直線部を収容し、該直線部の内周側面と当接するとともに、前記内周側面との当接箇所よりも前記外端部側で前記直線部の外周側面と当接する導出凹部を有する収容部とからなる点は、何れの文献にも開示されておらず、当業者にとって自明な事項でもない。

第Ⅷ欄　国際出願に対する意見

請求の範囲、明細書及び図面の明瞭性又は請求の範囲の明細書による十分な裏付についての意見を次に示す。

請求項１、３について

請求項１では、「前記ロアアームに設けられ、前記渦巻きばねの前記直線部を収容し、該直線部の内周側面と当接するとともに、前記内周側面との当接箇所よりも前記外端部側で前記直線部の外周側面と当接する導出凹部を有する収容部」と記載されているが、当該記載では、直線部と当接する位置が直線部全体であるのか、又は一部分であるのか判然とせず、その点で不明りょうな記載といえる。

また、請求項１を引用する請求項３も同様である。

APPENDIX B

Copy of Claims which were Indicated as Having Novelty, Inventive Step and Industrial Applicability

請求の範囲

[請求項1]　シートクッション側に支持されるよう適合されたロアアームと、

該ロアアームに相対回動可能に支持され、シートバック側に支持されるよう適合されたアッパアームと、

前記ロアアーム内にガイド壁によって径方向に移動可能に配設され、前記アッパアームの内周に設けられた内歯に係脱可能に係合する外歯を有する複数のポールと、

前記ポールに形成されたカム部に当接するカム面を有し回転によって前記ポールを前記内歯に係合する方向に押圧するカムと、

該カムに係止された内端部と、前記ロアアームに係止された外端部と、それら内端部と外端部との間に設けられ曲成・巻回された曲成部とを有するとともに、前記外端部が前記曲成部から連続して延びる直線部を有し、前記カムを一方向に回転付勢する渦巻きばねと、

前記ロアアームに設けられ、前記渦巻きばねの前記直線部を収容し、該直線部の内周側面と当接するとともに、前記内周側面との当接箇所よりも前記外端部側で前記直線部の外周側面と当接する導出凹部を有する収容部と、

を備えることを特徴とするシートリクライニング装置。

[請求項2]　請求項１において、前記導出凹部には、前記直線部の前記外周側面と当接する第１凸部と、該第１凸部と渦巻きばねの線材を挟んで反対側に配置され、前記第１凸部と所定距離離間した位置で前記直線部の前記内周側面と当接する第２凸部が突設されていることを特徴とするシートリクライニング装置。

[請求項3]　請求項１または請求項２において、前記渦巻きばねの前記直線部は前記曲成部の接線方向に延び、前記渦巻きばねは、前記直線部よりも外方端に前記導出凹部に係合する屈曲部を有することを特徴とするシートリクライニング装置。

APPENDIX C

English-Language Translation of the Latest International Work Product (WO/ISA)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
KOBAYASHI, Osamu
KAWASHIKA Bldg., 2nd Floor
1-19-13, Kanayamacho,
Atsuta-ku, Nagoya-shi,
Aichi-ken, 456-0002 JAPAN

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	06.10.2009
Applicant's or agent's file reference PCT09808	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/062092	02.07.2009	15.07.2008

International Patent Classification (IPC) or both national classification and IPC
A47C1/025(2006.01)i, B60N2/22(2006.01)i

Applicant
AISIN 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
- [X] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
Japanese Patent Office	25.09.2009	
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/062092

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/JP2009/062092

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

1. Statement

Novelty (N)	Claims	1-3	YES
	Claims		NO
Inventive step (IS)	Claims	1-3	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-3	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP2000-342368 A (Aisin Seiki Kabushiki Kaisha), 2000.12.12, Fig. 3 , Fig. 4 &
US 6474740 B1 & DE 10028119 A
Document 2: JP2007-319459 A (Toyo Seat Co Ltd.), 2007.12.13, Fig.2 (Family:none)
Document 3: JP2007-135797 A (Aisin Seiki Kabushiki Kaisha), 2007.06.07, Fig.1, Fig.2 &
US2007/0108825 A1 & DE 102006035442 A & CN 1966306 A

The invention according to Claims 1-3 is not disclosed in the aforementioned Documents 1-3 cited in the International Search Report and has novelty and inventive step.

In particular, a point that includes(A) a spiral spring for rotationally biasing the cam in one direction having an inner end portion engaged with the cam, an outer end portion engaged with the lower arm and a wound portion formed by winding and provided between the inner end portion and the outer end portion, and the outer end portion having a straight line portion extending consecutively from the wound portion, and (B) an accommodating portion provided at the lower arm and having a guide recessed portion for accommodating the straight line portion of the spiral spring and being in contact with an inner peripheral side surface of the straight line portion and at the same time being in contant with an outer peripheral side surface of the straight line portion at a portion further outer end side than a contact point with the inner peripheral side surface, is not disclosed in any of the Documents and is not an obvious matter to one having ordinary skill in the art.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/062092

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 fu lly supported by the description, are made:

Regarding to Claim 1 and 3

In Claim 1 it is described that "an accommodating portion provided at the lower arm and having a guide recessed portion for accommodating the straight line portion of the spiral and being in contact with an inner peripheral side surface of the straight line portion and at the same time being in contact with an outer peripheral side surface of the straight line portion at a portion further outer end side than a contact point with the inner peripheral side surface". However, according this description it is not clear if the portion being in contact with the straight line portion contacts with the straight portion at a whole length thereof or at a part fo the length. In this respect, this is a vague description.

Regarding this point, it is similar to Claim 3 depending on Claim 1.

APPENDIX D

English-Language Translation of Claims which were Indicated as Having Novelty, Inventive Step and Industrial Applicability Including Statement Regarding Accuracy of English-Language Translation

CLAIMS:

1. A seat reclining device comprising:

a lower arm adapted to be fixed to a seat cushion side;

an upper arm relatively rotatably supported by the lower arm and adapted to be fixed to a seat back side;

a plurality of pawls disposed within the lower arm and movable in a radial direction by guide walls, and respectively having an outer toothed portion engageable with or disengageable from an inner toothed portion provided at an inner periphery of the upper arm;

a cam having a cam surface to be in contact with a cam portion formed on the pawls and pressing the pawls in a direction in which the pawls are to be engaged with the inner toothed portion by rotation of the cam;

a spiral spring for rotationally biasing the cam in one direction having an inner end portion engaged with the cam, an outer end portion engaged with the lower arm and a wound portion formed by winding and provided between the inner end portion and the outer end portion, and the outer end portion having a straight line portion extending consecutively from the wound portion; and

an accommodating portion provided at the lower arm and having a guide recessed portion for accommodating the straight line portion of the spiral spring and being in contact with an inner peripheral side surface of the straight line portion and at the same time being in contact with an outer peripheral side surface of the straight line portion at a portion further outer end side than a contact point with the inner peripheral side surface.

2. The seat reclining device according to claim 1, wherein the guide recessed portion includes a first projecting portion to be in contact with the outer peripheral side surface of the straight line portion and a second projecting portion provided opposite to the first projecting portion with respect to a wire rod of the spiral spring and being in contact with the inner peripheral side surface of the straight line portion at a position separated from the first projecting portion with a predetermined distance.

3. The seat reclining device according to claim 1 or claim 2, wherein the straight line portion of the

spiral spring extends in a tangential direction of the wound portion and the spiral spring includes a bending portion to be in engagement with the guide recessed portion at a further outer end than the straight line portion.

VERIFICATION OF A TRANSLATION

I, the below named translator, hereby declare that:

My name and post office address are as stated below;

That I am knowledgeable in the English and Japanese languages, and that the attached English language translation is an accurate translation of the claims of PCT/JP2009/62092 which were indicated by the latest international work product as having, novelty, inventive step and industrial applicability.

I hereby 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.

Date; September 10, 2010

Full name of the translator: Osamu Kobayashi

Signature of the translator: Osamu Kobayashi

Post Office Address: 3-6, Kamiimaike, Morioka, Higashiura-cho, Chita-gun, Aichi-ken, 470-2101 Japan

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,816	09/15/2010	Yukifumi Yamada	366566US26PCT	3615

22850 7590 12/02/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
3636	

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):

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC - 2 2010

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

In re application of Yamada et al. Application No. 12/922,816 Filed: September 15, 2010 For: SEAT RECLINING 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 15, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the petition being properly submitted via EFS-Web as is required, and the preliminary amendment of September 15, 2010, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 12/01/10

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.
12/922,827	09/15/2010	In Goo Jang	1052.003	3799

36405 7590 01/04/2011
MANNAVA & KANG, P.C.
11240 WAPLES MILL ROAD
Suite 300
FAIRFAX, VA 22030

EXAMINER
SWANSON, WALTER H

ART UNIT	PAPER NUMBER
2823	

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.

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MANNAVA & KANG, P.C.
11240 WAPLES MILL ROAD
Suite 300
FAIRFAX VA 22030

In re Application of	**: DECISION ON REQUEST TO**
JANG et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/922,827	**: PROSECUTION HIGHWAY**
Filed: 15 September 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 1052.003	**: TO MAKE SPECIAL UNDER**
For: HEAT TREATMENT 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 27 September 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

    or

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

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

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

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

Any response must be submitted via EFS-Web.

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

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

Lee W. Young
TQAS
Technology Center 2800

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:	12/922,842	Filing date:	2009-03-06
First Named Inventor:	Klaus Schrewe		
Title of the Invention:	Method for Determining the Charge State of a Particle Filter Installed in the Exhaust Gas Line of an Interna		

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/EP2009/052663

The international date of the corresponding PCT application(s) is/are: March 6, 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.:	12/922,842
First Named Inventor:	Klaus Schrewe

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
15	1	minor wording changes
16	2	minor wording changes
17, 18	3	minor wording changes
19	4	minor wording changes
20	5	minor wording changes
21	6	minor wording changes
22	7	minor wording changes
23	8	minor wording changes
25	10	minor wording changes
26	11	minor wording changes
27	12	minor wording changes
28	13	minor wording changes
29	14	minor wording changes

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

Signature /Margaret Polson/	Date 01/20/2011
Name (Print/Typed) Margaret Polson	Registration Number 42082

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,842	10/05/2010	Klaus Schrewe	00006.P-HS02-500US	4043

85370 7590 01/24/2011
Oppedahl Patent Law Firm LLC (P&A)
P O Box 5940
Dillon, CO 80435-5940

EXAMINER

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
01/24/2011	ELECTRONIC

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

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

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Oppedahl Patent Law Firm LLC (P&A)
P O Box 5940
Dillon CO 80435-5940

In re Application of	:
SCHREWE, KLAUS et al	: DECISION ON REQUEST TO
Application No. 12/922,842	: PARTICIPATE IN PATENT
Filed: Oct. 5, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. 00006.P-HS02-500US	: PILOT PROGRAM AND PETITION
For: METHOD FOR DETERMINING THE	: TO MAKE SPECIAL UNDER
CHARGE STATE OF A PARTICLE FILTER	: 37 CFR 1.102(a)
INSTALLED IN THE EXHAUST GAS LINE	
OF AN INTERNAL COMBUSTION ENGINE	
AND DEVICE FOR REDUCING THE PARTICLE	
EMISSIONS OF AN INTERNAL COMBUSTION ENGINE	

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. 20, 2011 to make the above-identified application special.

The request and petition are Dismissed.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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 Items #3 and #5 above.

With regard to Item #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the PCT application. The Claims Correspondence Table in the petition is deficient. Current US application contains claims 15-23 and 25-29 which are not sufficiently corresponding to allowable claims 1-8 of PCT search report and search opinion. It must be noted that at least claims 25-29 contain different scopes from the allowed claims 1-8 of PCT search report. Thus, Item #3 is not satisfied and for this reason the petition can not be granted. Those extra claims 25-29 must be cancelled.

The EPO Search Report, PCT/EP/2009/052663 filed with the petition does not include any positive opinion as to the patentability of the claims 9-14. An EPO Search Opinion showing the patentability of claims 1-14 with respect to Novelty, Inventive Steps and Industrial Applicability is required.

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

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

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

Petition is **dismissed**.

/Henry C. Yuen/

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

US Patent Application 12/922,842

REQUEST FOR RECONSIDERATION OF PPH PETITION DECISION

This document responds to the notice dated 1/24/11 dismissing the Applicant's Petition. The Applicant hereby requests reconsideration. The Applicant's representative spoke with Special Programs Examiner Henry Yuen on January 27 and 28. This document states the grounds for reconsideration which were discussed and agreed upon.

The Applicant notes that the presently pending claims substantially correspond to the claims which were found by the International Searching Authority (ISA) to possess novelty, inventive step, and industrial applicability.

The claims presently pending have a mail room date stamp in PAIR of 01-20-2011. The original claims filed in the PCT application and examined by the ISA are in PAIR with a mail room date stamp of 09-15-10. The claims have the correspondence relationship noted on page 2 of the REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO; this document is in PAIR with a mail room date stamp of 01-20-2011. The applicant notes that the ISA did not note whether claims 10-14 were novel in Box No. V, 1. of the Written Opinion. However, the Applicant directs the Examiner's attention to Box No. V, 2. statement 2. paragraph 2: "The solution proposed in claims 1 to 8 and 10 to 14 of the present application is deemed to be novel and inventive." The Applicant suggests that the omission of a novelty determination of claims 10-14 in Box V.1. was an error and is immaterial given the unequivocal statement in Box V. 2.

The Applicant requests withdrawal of the petition dismissal and requests the USPTO grant the petition and request filed on January 20, 2011.

Respectfully submitted,

/dms/

Dana Stangel, USPTO Reg. No. 64870

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,842	10/05/2010	Klaus Schrewe	00006.P-HS02-500US	4043

85370 7590 02/02/2011
Oppedahl Patent Law Firm LLC (P&A)
P O Box 5940
Dillon, CO 80435-5940

EXAMINER

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
02/02/2011	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):

docket-oppedahl@oppedahl.com
mail-log@oppedahl.com

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Oppedahl Patent Law Firm LLC (P&A)
P O Box 5940
Dillon CO 80435-5940

In re Application of	:
SCHREWE, KLAUS et al	: DECISION ON REQUEST TO
Application No. 12/922,842	: PARTICIPATE IN PATENT
Filed: Oct. 5, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. 00006.P-HS02-500US	: PILOT PROGRAM AND PETITION
For: METHOD FOR DETERMINING THE	: TO MAKE SPECIAL UNDER
CHARGE STATE OF A PARTICLE FILTER	: 37 CFR 1.102(a)
INSTALLED IN THE EXHAUST GAS LINE	
OF AN INTERNAL COMBUSTION ENGINE	
AND DEVICE FOR REDUCING THE PARTICLE	
EMISSIONS OF AN INTERNAL COMBUSTION ENGINE	

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 Jan. 31, 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 Thomas Denion, the SPE of Art Unit 3748 and (571)272-4859 for Class 60/273 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

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

The petition is **granted.**

/Henry C. Yuen/

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

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PCT LEGAL ADMINISTRATION

Perry & Currier
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of	:	
Zabawskyj et al.	:	
Application No.: 12/922,856	:	DECISION
PCT No.: PCT/CA2008/000527	:	
Int. Filing Date: 20 March 2008	:	ON
Priority Date: N/A	:	
Attorney Docket No.: 96315.1	:	PETITION
For: Metering Of Telecommunications Services	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 08 December 2010.

BACKGROUND

This international application was filed on 20 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 24 September 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 20 September 2010. Applicants filed *inter alia* the basic national fee on 16 September 2010.

On 08 October 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

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

Regarding **requirement (1)**, the $200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner has provided an "Affidavit of T. Andrew Currier," who provides a copy of his letter to Mr. Steele, dated 12 October 2010, to which a declaration and a copy of the application were indicated to be attached. Petitioner has not provided any postal evidence tending to show that the letter could not be delivered. However, petitioner has provided an "Affidavit of Attempted Service of Christian Paesch," who describes his efforts to personally serve Mr. Steele with "the Declaration" at his last known address on 24 October 2010. Based on this affidavit, it would be reasonable to conclude that Mr. Steele was not available at that address at that time. However, petitioner has not provided adequate evidence of any other efforts which may have been undertaken to ascertain valid contact information for him (such as, e.g., inquiries made to known associates, internet searches, telephone directory

searches, tax records, land ownership searches, voter registration searches, skip trace searches or the like). As such, it would not be appropriate to conclude at this time that requirement (2) has been satisfied. *See* MPEP 409.03(d).

Regarding **requirement (3)**, petitioner provides the last known address of the non-signing inventor.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 08 December 2010 reveals that it satisfies this requirement.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." 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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PCT LEGAL ADMINISTRATION

In re Application of	:	
Zabawskyj et al.	:	
Application No.: 12/922,856	:	DECISION
PCT No.: PCT/CA2008/000527	:	
Int. Filing Date: 20 March 2008	:	ON
Priority Date: N/A	:	
Attorney Docket No.: 96315.1	:	PETITION
For: Metering Of Telecommunications Services	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 06 May 2011.

DISCUSSION

In a Decision mailed on 07 February 2011, the petition under 37 CFR 1.47(a) filed on 08 December 2010 was dismissed, without prejudice, because requirement (2) had not been satisfied.

In response, petitioner has provided an "Affidavit of Kristjan Spence," who describes the circumstances leading to a telephone conversation with Mr. Steele on 07 April 2011. Under the circumstances described, it would be reasonable to conclude that inventor Steele has refused to execute the application within the meaning of 37 CFR 1.47(a).

DECISION

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **08 December 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States Patent and Trademark Office

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Philip Steele
5537 Fourth Line
Hillsburgh, Ontario N0B 1Z0
CANADA

MAILED
JUL 11 2011
PCT LEGAL ADMINISTRATION

In re Application of
Zabawskyj et al.
Application No.: 12/922,856
PCT No.: PCT/CA2008/000527
Int. Filing Date: 20 March 2008
Priority Date: N/A
Attorney Docket No.: 96315.1
For: Metering Of Telecommunications Services

Dear Mr. Steele:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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1800 Alexander Bell Drive
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Reston VA 20191

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PCT LEGAL ADMINISTRATION

Matthew R. Jenkins, Esq.
2310 Far Hills Building
Dayton, OH 45419

In re Application of:	:	
RAJON et al.	:	
Application No.: 12/922,872	:	DECISION ON PETITION
PCT No.: PCT/FR2009/050486	:	UNDER
Int. Filing Date: 20 Mach 2009	:	37 CFR 1.182
Priority Date: 20 March 2008	:	
Attorney Docket No.: CLB 021 P2 - BR 40725	:	
For: MOTOR VEHICLE REAR MODULE INTENDED TO BE AFFIXED TO A REAR HATCH STRUCTURE		

This decision is issued in response to applicant's "Petition under 37 CFR 1.182 for Acceptance Into the U.S. National Phase" filed in the United States Patent and Trademark Office on 22 December 2010.

BACKGROUND

On 09 May 2008, applicant filed international application no. PCT/FR2009/050486. The published international application identified Alexis RAJON and Arnold FAYT as inventors for all designated states except the United States. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 20 September 2010.

On 16 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States of America. Filed with the transmittal letter were, inter alia: the requisite basic national fee; a copy of international application, and an application data sheet.

On 27 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a translation of the international application into English. The notification set a two-month time limit in which to respond.

On 22 December 2010, applicant filed the present "Petition under 37 CFR 1.182 for Acceptance Into the U.S. National Phase."

DISCUSSION

Alexis Rajon and Arnold Fayt

As stated above, the published international application identified Alexis RAJON and Arnold FAYT as "inventor(s) for all designated states except the United States" for the above-identified international application. Counsel states in the present petition that "applicants respectfully submit that when the above-identified application was filed in the French Receiving Office, the inventors were inadvertently not listed as applicants for purposes of the United States and this clerical error was only recently discovered."

In order to correct the identification of inventors (Alexis RAJON and Arnold FAYT) made during the international stage in the national stage, a petition under 37 CFR 1.182 is required. Such a petition requires payment of the applicable $400 petition fee and statement from the inventor(s) and any other person(s) having firsthand knowledge regarding the error/discrepancy in the inventor's identification as inventor for all designated states except the United States. Such statement(s) must confirm the correct identification of the inventor, explain how the discrepancy in the inventor's identification occurred, and state that the error occurred without deceptive intent.

Here, applicant's submission included the requisite petition fee of $400. However, counsel has not submitted the required statement from the inventor(s) confirming the correct identification of the inventor(s), explain how the discrepancy in the inventors' identification occurred, and state that the error occurred without deceptive intent.

Translation of the International Application

37 CFR 1.495(c) requires submission of a translation of the international application, as filed, into the English language. A review of this application file reveals that the purported English translation of the international application filed on 22 December 2010 is defective. Specifically, the translation of the international application is defective because the number of claims in the International Application and the number of claims in the translation are not the same. Accordingly, applicant's present submission is not a proper response to the Notification Of Missing Requirements mailed 27 October 2010.

CONCLUSION

Applicants' request to accept the declaration under 37 CFR 1.182 is **DISMISSED** without prejudice.

A proper response must include: (1) a renewed petition under 37 CFR 1.182 to correct the inventorship of record to correspond to the international application and (2) an English translation of the international application in compliance with 37 CFR 1.495(c).

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to file a timely the required reply will result in abandonment of the

application. Extensions of time may be obtained under 37 CFR 1.136(a).

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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PCT LEGAL ADMINISTRATION

Matthew R. Jenkins, Esq.
2310 Far Hills Building
Dayton, OH 45419

In re Application of:	:	
RAJON et al.	:	
Application No.: 12/922,872	:	DECISION ON PETITION
PCT No.: PCT/FR2009/050486	:	UNDER
Int. Filing Date: 20 Mach 2009	:	37 CFR 1.182
Priority Date: 20 March 2008	:	
Attorney Docket No.: CLB 021 P2 - BR 40725	:	
For: MOTOR VEHICLE REAR MODULE INTENDED TO BE AFFIXED TO A REAR HATCH STRUCTURE		

This decision is issued in response to applicant's "Renewed Petition under 37 CFR 1.182 for Acceptance Into the U.S. National Phase" filed in the United States Patent and Trademark Office on 29 June 2011.

BACKGROUND

On 09 May 2008, applicant filed international application no. PCT/FR2009/050486. The published international application identified Alexis RAJON and Arnold FAYT as inventors for all designated states except the United States. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 20 September 2010.

On 16 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States of America. Filed with the transmittal letter were, inter alia: the requisite basic national fee; a copy of international application, and an application data sheet.

On 27 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a translation of the international application into English. The notification set a two-month time limit in which to respond.

On 22 December 2010, applicant filed a "Petition under 37 CFR 1.182 for Acceptance Into the U.S. National Phase." In decision dated 29 March 2011, applicant's petition under 37 CFR 1.182 was dismissed without prejudice.

On 29 June 2011, applicant filed the present "Renewed Petition under 37 CFR 1.182 for Acceptance Into the U.S. National Phase."

DISCUSSION

Alexis Rajon and Arnold Fayt

As stated above, the published international application identified Alexis RAJON and Arnold FAYT as "inventor(s) for all designated states except the United States" for the above-identified international application. Counsel states in the present petition that "applicants respectfully submit that when the above-identified application was filed in the French Receiving Office, the inventors were inadvertently not listed as applicants for purposes of the United States and this clerical error was only recently discovered."

In order to correct the identification of inventors (Alexis RAJON and Arnold FAYT) made during the international stage in the national stage, a petition under 37 CFR 1.182 is required. Such a petition requires payment of the applicable $400 petition fee and statement from the inventor(s) and any other person(s) having firsthand knowledge regarding the error/discrepancy in the inventor's identification as inventor for all designated states except the United States. Such statement(s) must confirm the correct identification of the inventor, explain how the discrepancy in the inventor's identification occurred, and state that the error occurred without deceptive intent.

Here, applicant's previous submission included the requisite petition fee of $400. Additionally, counsel has submitted: the required statement from the inventors and all relevant parties; explained how the discrepancy in the inventors' identification occurred; and stated that the error occurred without deceptive intent. Therefore, applicant's request is granted.

Translation of the International Application

The previous decision on petition stated that the English translation of the international application was defective because the number of claims in the International Application and the number of claims in the translation were not the same. However, a re-evaluation of the papers submitted on 22 December 2010 reveals that the English translation of the international application was in compliance with 37 CFR 1.495(c). Accordingly, applicant's submission was a proper response (in part) to the Notification Of Missing Requirements mailed 27 October 2010.

CONCLUSION

Applicants' request under 37 CFR 1.182 is **GRANTED**.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

United States Patent and Trademark Office

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

In re Application of	:	
Yanaga	:	
Application No.: 12/922,886	:	DECISION
PCT No.: PCT/JP2007/059631	:	
Int. Filing Date: 10 May 2007	:	ON
Priority Date: 10 May 2007	:	
Attorney Docket No.: 2010_1319A	:	PETITION
For: Device For Detecting Vibration In Living	:	
Body And Device For Examining Physiological	:	
State Of The Living Body Using The Same	:	

The petition to revive under 37 CFR 1.137(b) filed on 16 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.

The declaration filed on 16 September 2010 is not acceptable because it does not clearly identify the inventor's citizenship. Though the word "Japan" appears on the declaration, it appears to be part of the residential address. As such, it does not clearly comply with 37 CFR 1.497(a)(3).

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

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SUITE 808
NEW YORK NY 10017

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Pradeep Kumar Gupta, et al.	:	DECISION ON PETITION
Application No. 12/922,906	:	TO WITHDRAW
Filed: September 16, 2010	:	FROM RECORD
Attorney Docket No. **10-6126**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed February 1, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, 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.* 37 CFR 3.71(c) states:

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

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **CORPORATE LAW GROUP**
1101-1104, 11th Floor Kailash Building
26, Kasturba Gandhi Marg,
Delhi, India

UNITED STATES 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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MAR 28 2011

OFFICE OF PETITIONS

NATTER & NATTER
501 Fifth Avenue
Suite 808
New York, NY 10017

In re Application of	:	
Pradeep Kumar Gupta, et al.	:	
Application No. 12/922,906	:	DECISION ON PETITION
Filed: September 16, 2010	:	TO WITHDRAW
Attorney Docket No. 10-6126	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 14, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Seth Natter on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Dr. Pradeep Kumar Gupta**
P69/2 Type IV
Raksha Vihar, Stadium Road
Gwalior, 474002
India

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/922,906	09/16/2010	Pradeep Kumar Gupta	10-6126

CONFIRMATION NO. 4737

POWER OF ATTORNEY NOTICE

28143
NATTER & NATTER
501 FIFTH AVENUE
SUITE 808
NEW YORK, NY 10017

OC000000046761337

Date Mailed: 03/24/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/14/2011.

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

/tsjohnson/

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

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

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

Application No:	12/922907	Filing date:	2010/09/16
First Named Inventor:	Koji Inose		
Title of the Invention:	DATA PROCESSING APPARATUS, DATA PROCESSING METHOD, AND COMPUTER-READABLE STORAGE MEDIUM STORING A PROGRAM		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2010/062281

The international date of the corresponding PCT application(s) is/are: 2010/07/14

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.:	12/922907
First Named Inventor:	Koji Inose

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 2010/10/18

(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 2010/10/18

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Both claims are substantially same.
2	2	Both claims are substantially same.
3	3	Same except for claim dependency.
4	4	Substantially same except for claim dependency.
5	5	Same except for claim dependency.
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 /Brian L. Klock/	Date October 28, 2011
Name (Print/Typed) Brian L. Klock	Registration Number 36,570

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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JAN 30 2012
OFFICE OF PETITIONS

FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK NY 10104-3800

In re Application of
Koji INOSE
Application No.: 12/922,907
Filed: September 16, 2010
Attorney Docket No.: 00862.166376
For: DATA PROCESSING APPARATUS, DATA PROCESSING METHOD, AND COMPUTER-READABLE STORAGE MEDIUM STORING A PROGRAM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 28, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or

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

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

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

Inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

MAILED
OCT 25 2010
OFFICE OF PETITIONS

In re Application of	:	
Beaujuge, Pierre Marc	:	
Application No. 12/922,908	:	ON PETITION
Filed: September 16, 2010	:	
Attorney Docket No. UF.704X	:	

This is a notice regarding your request, October 13, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

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

Liana Walsh
Petitions Examiner
Office of Petitions

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.:	12/922,917	Filing Date:	September 16, 2010
First Named Inventor:	Kosei SUGAWARA et al.		
Attorney Docket No.:	146961		
Title of the Invention:	SINGLE CRYSTAL GROWTH METHOD AND SINGLE CRYSTAL PULLING APPARATUS		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/001282

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.

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.:	12/922,917
First Named Inventor:	Kosei SUGAWARA 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 16, 2010

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

☐ Are attached.

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

II. Claims Correspondence Table:

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

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

25 and 26	8	Claims 25 and 26 of the U.S. application correspond to claim 8 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 8 of the PCT application is a multiple dependent claim depending from claims 6 and 7. Claim 25 of the U.S. application depends from claim 23 (corresponding to PCT application claim 6). Claim 26 of the U.S. application depends from claim 24 (corresponding to PCT application claim 7). Claims 25 and 26 are thus individually dependent claims corresponding to multiple dependent claim 8 of the PCT application.
27-30	9	Claims 27-30 of the U.S. application correspond to claim 9 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 9 of the PCT application is a multiple dependent claim depending from each of claims 6-8. Claim 27 of the U.S. application depends from claim 23 (corresponding to PCT application claim 6). Claim 28 of the U.S. application depends from claim 24 (corresponding to PCT application claim 7). Claim 29 of the U.S. application depends from claim 25 (corresponding to PCT application claim 8). Claim 30 of the U.S. application depends from claim 26 (corresponding to PCT application claim 8). Claims 27-30 are thus individually dependent claims corresponding to multiple dependent claim 9 of the PCT application.
31-34	10	Claims 31-34 of the U.S. application correspond to claim 10 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 10 of the PCT application is a multiple dependent claim depending from each of claims 6-8. Claim 31 of the U.S. application depends from claim 23 (corresponding to PCT application claim 6). Claim 32 of the U.S. application depends from claim 24 (corresponding to PCT application claim 7). Claim 33 of the U.S. application depends from claim 25 (corresponding to PCT application claim 8). Claim 34 of the U.S. application depends from claim 26 (corresponding to PCT application claim 8). Claims 27-30 are thus individually dependent claims corresponding to multiple dependent claim 10 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 17, 2011
Name (Print/Typed) William P. Berridge	Registration Number 30,024
Name (Print/Typed) Christopher W. Brown	Registration Number 38,025

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing;
Charge any fee due to our
Deposit Account No. 15-0461

Privacy Act Statement

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

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

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

PATENT COOPERATION TREATY

PCT/JP2009/001282

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)* 18 November 2010 (18.11.2010)	
Applicant's or agent's file reference 07F00140WO	IMPORTANT NOTICE

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/001282	24 March 2009 (24.03.2009)	08 May 2008 (08.05.2008)

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: pt03.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 07F00140WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/001282	International filing date *(day/month/year)* 24 March 2009 (24.03.2009)	Priority date *(day/month/year)* 08 May 2008 (08.05.2008)
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 09 November 2010 (09.11.2010)
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

特許協力条約

発信人　日本国特許庁（国際調査機関）

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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）	30. 06. 2009
出願人又は代理人の書類記号　07P00140WO	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／ＪＰ２００９／００１２８２	国際出願日（日.月.年）　24. 03. 2009
優先日（日.月.年）　08. 05. 2008	
国際特許分類（ＩＰＣ）Int.Cl. C30B29/06(2006.01)i, C30B15/00(2006.01)i, C30B15/10(2006.01)i	
出願人（氏名又は名称） 信越半導体株式会社	

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

２．今後の手続き
国際予備審査の請求がされた場合は、出願人は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　19. 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）　4G　3774 若土　雅之 電話番号　03－3581－1101　内線　3416

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／JP2009／001282

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／JP2009／001282

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

文献１：JP 2006-036568 A（株式会社 SUMCO）2006.02.09
文献２：WO 2008/120435 A1（信越半導体株式会社）2008.10.09
文献３：JP 2003-505335 A（エスイーエイチ・アメリカ，インコーポレイテッド）2003.02.12
文献４：WATANABE, M. et al., J. Cryst. Growth, 2002.04, Vol. 237, pp. 1657-1662
文献５：LIU, L. et al., J. Cryst. Growth, 2007.02.01, Vol. 299, pp. 48-58

請求項１－１０に係る発明は、国際調査報告で引用された何れの文献にも開示されておらず、新規性および進歩性を有する。特に、引上軸とは別途設置され、シリコン原料融液中に浸漬された電極を負極、石英坩堝外壁を正極とし、それら両者の間に直流電圧を印加してシリコン単結晶を引き上げる点は、何れの文献にも開示されていない。

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 07F00140WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/001282	International filing date *(day/month/year)* 24 March 2009 (24.03.2009)	Priority date *(day/month/year)* 08 May 2008 (08.05.2008)
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

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)*	30.06.2009
Applicant's or agent's file reference 07F00140WO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/001282	24.03.2009	08.05.2008

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

Applicant
Shin-Etsu Handotai Co., Ltd.

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

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

2. **FURTHER ACTION**

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

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

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

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

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

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/001282

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/JP2009/001282

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	1-10	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:

Document 1: JP 2006-036568 A (SUMCO Corp.), 09 February 2006

Document 2: WO 2008/120435 A1 (Shin-Etsu Handotai Co., Ltd.), 09 October 2008

Document 3: JP 2003-505335 A (SEH America, Inc.), 12 February 2003

Document 4: WATANABE, M. et al., J. Cryst. Growth, April 2002, vol. 237, pages 1657 to 1662

Document 5: LIU, L. et al., J. Cryst. Growth, 01 February 2007, vol. 299, pages 48 to 58

The invention as in claims 1-10 is not disclosed in any of the documents cited in the ISR, and is novel and involves an inventive step. In particular, the feature, installed separately from the pulling shaft, of using an electrode immersed in the silicon raw material melt as a negative electrode, and a quartz crucible outer wall as a positive electrode, and applying a direct voltage across, the two and pulling a silicon single crystal, is not disclosed in any of the documents.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kosei SUGAWARA et al.

Group Art Unit:

Application No.: 12/922,917

Examiner:

Filed: September 16, 2010

Docket No.: 146961

For: SINGLE CRYSTAL GROWTH METHOD AND SINGLE CRYSTAL PULLING APPARATUS

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/JP2009/001282 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 17, 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] チョクラルスキー法により、石英坩堝内で溶融したシリコン原料の溶融液から単結晶を引き上げて成長させる方法において、前記石英坩堝の外壁側が正極、前記単結晶を引き上げる引上軸とは別途設置され、前記シリコン原料の溶融液に浸漬された電極側が負極となるように直流電圧を印加し、前記電極から電流を流しながら、前記引上軸により単結晶を成長させることを特徴とするシリコン単結晶の成長方法。

[2] 前記石英坩堝として、石英坩堝の外壁側はアルカリ金属を含む天然石英とし、内壁側はアルカリ金属が天然石英より少ない合成石英とした坩堝を使用することを特徴とする請求項１に記載のシリコン単結晶の成長方法。

[3] 前記電極に流れる電流を０．１ｍＡ以上、２０ｍＡ以下の定電流とすることを特徴とする請求項１または請求項２に記載のシリコン単結晶の成長方法。

[4] 前記電極と石英坩堝の外壁との間に印加する電圧を０．１Ｖ以上、３０Ｖ以下の定電圧とすることを特徴とする請求項１または請求項２に記載のシリコン単結晶の成長方法。

[5] 前記単結晶の引き上げ中に、前記石英坩堝の内壁表面で失透した面積をＶｃとし、溶融初期において前記石英坩堝の内壁表面が溶融液と接触する面積をＶｉとした場合に、失透面積率Ｖｃ／Ｖｉが２０％以上となるようにすることを特徴とする請求項１ないし請求項４のいずれか１項に記載のシリコン単結晶の成長方法。

[6] チョクラルスキー法により、石英坩堝内で溶融したシリコン原料の溶融液から単結晶を引き上げる装置において、少なくとも、前記シリコン原料の溶

融液を保持する石英坩堝と、該石英坩堝を支持する支持軸と、前記シリコン原料の溶融液に浸漬され、その下端面に単結晶を成長させつつ引き上げられる種結晶を引き上げる引上軸と、該引上軸とは別途設置され、前記シリコン原料の溶融液に浸漬される電極と、該電極と前記石英坩堝の外壁との間に電圧を印加可能に接続され、前記電極と石英坩堝の外壁間を流れる電流または電圧が一定になるよう直流電圧を制御する定電流装置または定電圧装置とを備え、前記石英坩堝の外壁側が正極となるよう直流電圧が印加されるものであることを特徴とするシリコン単結晶の引き上げ装置。

[7] 前記電極は、黒鉛材または１５００度以上の高融点を有する金属材料の母材と、該母材に取り付け可能なシリコン単結晶、表面ＳｉＣコートされたシリコン単結晶、およびＳｉＣのいずれかからなる先端材を有し、前記母材と先端材の側面を石英筒によって被覆保護されたものであることを特徴とする請求項６に記載のシリコン単結晶の引き上げ装置。

[8] 前記電極は、移動機構および接触感知機構を有し、前記シリコン原料の溶融液に浸漬されるものであることを特徴とする請求項６または請求項７に記載のシリコン単結晶の引き上げ装置。

[9] 前記定電流装置は、前記電極と石英坩堝の外壁間を流れる電流を０．１ｍＡ以上、２０ｍＡ以下の定電流に制御するものであることを特徴とする請求項６ないし請求項８のいずれか１項に記載のシリコン単結晶の引き上げ装置。

[10] 前記定電圧装置は、前記電極と石英坩堝の外壁との間に印加する電圧を０．１Ｖ以上、３０Ｖ以下の定電圧に制御するものであることを特徴とする請求項６ないし請求項８のいずれか１項に記載のシリコン単結晶の引き上げ装置。

CLAIMS

1. A silicon single crystal growth method of pulling up and growing a single crystal from a melt of a silicon raw material melted in a quartz crucible based on a Czochralski method, the method comprising the steps of: applying a direct current voltage in such a manner that an outer wall of the quartz crucible acts as a positive electrode and an electrode immersed into the melt of the silicon raw material acts as a negative electrode, the immersed electrode being placed separately from a pulling member for pulling the single crystal; and growing the single crystal with the pulling member while passing an electric current through the electrode.

2. The silicon single crystal growth method according to claim 1, wherein the quartz crucible is used which is constituted of the outer wall made of natural quartz containing alkali metals and an inner wall made of synthetic quartz having an alkali metal content lower than that of the natural quartz.

3. The silicon single crystal growth method according to claim 1 or claim 2, wherein the electric current passing through the electrode is a constant current of not less than 0.1 mA and not more than 20 mA.

4. The silicon single crystal growth method according to claim 1 or claim 2, wherein the voltage applied between the electrode and the outer wall of the quartz crucible is a constant voltage of not less than 0.1 V and not more than 30 V.

5. The silicon single crystal growth method according to any one of claims 1 to 4, wherein the direct current voltage is applied in such a manner that a devitrification area ratio Vc/Vi becomes 20% or more, where Vc is an area devitrified at an inner wall surface of the quartz crucible during the pulling of the single crystal, and Vi is an area where the inner wall surface of the quartz crucible comes into contact with the melt upon the initial stage of melting.

6. A silicon single crystal pulling apparatus for pulling up and growing a single crystal from a melt of a silicon raw material melted in a quartz crucible based on a Czochralski method, the apparatus comprising at least: the quartz crucible for holding the melt of the silicon raw material; a supporting shaft for supporting the quartz crucible; a pulling member for pulling a seed crystal that is dipped into the melt of the silicon raw material and is pulled while growing the single crystal from a lower end surface of the seed crystal; an electrode immersed into the melt of the silicon raw material, the immersed electrode being placed separately from the pulling member; and a constant current device or a constant voltage device connected so as to be able to apply a voltage between the electrode and an outer wall of the quartz crucible, the device controlling a direct current voltage so that the voltage or an electric current passing between the electrode and the outer wall of the quartz crucible becomes constant, wherein the direct current voltage is applied in such a manner that the outer wall of the quartz crucible acts as a positive electrode.

7. The silicon single crystal pulling apparatus according to claim 6, wherein the electrode has a base material made of graphite or metal material having a high melting point of 1500 °C or more, and a tip member made of any of silicon single crystal, silicon single crystal coated with SiC, and SiC, the tip member being capable of attaching to the base material, and a side face of the base material and the tip member is protected by being covered with a quartz cylinder.

8. The silicon single crystal pulling apparatus according to claim 6 or claim 7, wherein the electrode has a moving mechanism and a contact sensing mechanism, and is immersed into the melt of the silicon raw material.

9. The silicon single crystal pulling apparatus according to any one of claims 6 to 8, wherein the constant current device controls the electric current passing between the electrode and the outer wall of the quartz crucible so as to be a constant current of not less than 0.1 mA and not more than 20 mA.

10. The silicon single crystal pulling apparatus according to any one of claims 6 to 8, wherein the constant voltage device controls the voltage applied between the electrode and the outer wall of the quartz crucible so as to be a constant voltage of not less than 0.1 V and not more than 30 V.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/922,917	09/16/2010	Kosei Sugawara	146961	4801

25944 7590 04/12/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KUNEMUND, ROBERT M

ART UNIT	PAPER NUMBER
1714	

NOTIFICATION DATE	DELIVERY MODE
04/12/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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Alexandria, VA 22313-1450
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WG

April 11, 2011

In re application of Kosei Sugawara et al. Serial No. 12/922,917 Filed: September 16, 2010 For: SINGLE CRYSTAL GROWTH METHOD AND SINGLE CRYSTAL PULLING APPARATUS	: : : : : :	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 February 17, 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

PTO/SB/20PCT-JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12/922976	Filing date:	2010-09-16
First Named Inventor:	Naoki Morita		
Title of the Invention:	Image Processing Apparatus, Control Method of Image Processing Apparatus, and Storage Medium		

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/JP2010/004061

The international date of the corresponding PCT application(s) is/are: June 17, 2010

I. List of Required Documents:

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

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

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

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

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

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

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

(continued)

Application No.:	12/922976
First Named Inventor:	Naoki Morita

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 16, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 16, 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.

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

Signature /Agatha H Liu/	Date 2011-11-21
Name (Print/Typed) Agatha H. Liu	Registration Number 65,323

Privacy Act Statement

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

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

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

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OFFICE OF PETITIONS

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of
Naoki Morita
Application No.: 12/922,976
Filed: September 16, 2010
Attorney Docket No.: 03500.165343
For: Image Processing Apparatus, Control Method of Image Processing Apparatus, and Storage Medium

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 21, 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, IPAU, NPI, NBPR, SIPO 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 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
Petitions Examiner
Office of Petitions

PTO/SB/20AU (07-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN IP AUSTRALIA (IPAU) AND THE USPTO

Application No.:	12/992,978	Filing Date:	September 16, 2010
First Named Inventor:	Jennifer Anne Market		
Attorney Docket No.:	001001.2007-IP-004996 US		
Title of the Invention:	Acoustic Anisotropy and Imaging by Means of High Resolution Azimuthal Sampling		

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 and the corresponding IPAU application(s) have the same priority/filing date. If IPAU is not the office of first filing (OFF), identify the OFF and the OFF application no.

The IPAU application number(s) is/are: IPAU: 2009231758, which is a national phase application from PCT/US09/39101
OFF: US 61/041,974
PCT: PCT/US09/39101, which claims priority from 61/041,974

The filing date of the IPAU application(s) is/are: IPAU: 27 August 2010
OFF: 3 April 2008
PCT: 1 April 2009

I. List of Required Documents:

a. **A copy of all IPAU office actions which are relevant to patentability in the above-identified IPAU application(s)**

☑ Is attached.

b. **A copy of all claims which were determined to be patentable by IPAU in the above-identified IPAU application(s)**

☑ Is attached.

c. **(1) An information disclosure statement listing the documents cited in the IPAU office actions**

☐ Is attached.

☑ Has already been filed in the above-identified U.S. application on September 16, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on N/A -- only US patents cited

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

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REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN IPAU AND THE USPTO

(continued)

Application No.:	12/992,978
First Named Inventor:	Jennifer Anne Market

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in IPAU Application	Explanation regarding the correspondence
1	1	Exact
2	10	Exact except AU claim 10 is in multiple dependent form
3	2	Exact except number change
4	3	Exact except dependency
5	4	Exact except dependency
6	5	Exact except dependency
7	6	Exact except dependency
8	7	Exact except dependency
9	8	Exact except dependency
13	18	Exact except AU claim 18 is in multiple dependent form
14	9	Exact except change in preamble
15	10	Exact except AU claim 10 is in multiple dependent form
16	11	Exact except dependency
17	12	Exact except dependency
18	13	Exact except dependency
19	14	Exact except dependency
20	15	Exact except dependency
21	16	Exact except dependency
22	17	Exact except dependency
26	18	Exact except AU claim 18 is in multiple dependent form

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the IPAU application.

Signature /Howard L. Speight, Reg. No. 37733/	Date December 12, 2011
Name (Print/Typed) Howard L. Speight	Registration Number 37733

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.

2009231758 28 Nov 2011

The Claims Defining the Invention are as Follows:

1. In an acoustic logging system utilizing one or more acoustic sources, each with a specified radiation pattern around a source orientation, a method comprising:

transmitting an acoustic signal into a formation with a source oriented in a first source orientation;

receiving an acoustic waveform in response with a receiver oriented in a first direction;

calculating the slowness of the formation in the first direction using the received acoustic waveform.

2. The method of claim 1 further comprising:

for directions i = 2 through n:

transmitting an ith acoustic signal into the formation with the source oriented in an ith source orientation;

receiving an acoustic waveform in response with the receiver oriented in an ith direction;

calculating the slowness of the formation in the ith direction using the received acoustic waveform from the ith direction.

3. The method of claim 2 further comprising:

using the calculated slowness of the formation in the n directions to determine the anisotropy of the formation.

4. The method of claim 2 further comprising:

using the calculated slowness of the formation in the n directions to determine the direction in which to fracture the formation.

5. The method of claim 2 further comprising:

using the calculated slowness of the formation in the n directions to identify an approaching bed in one of the n directions.

6. The method of claim 5 further comprising:

steering a tool away from the approaching bed.

This data, for application number 2009231758, is current as of 2011-12-04 23:28 AEDT

2009231758 28 Nov 2011

7. The method of claim 2 wherein the slowness of the formation is calculated using a technique selected from the group consisting of a semblance technique and a peak matching technique.

8. The method of claim 2 further comprising:

creating an image of the formation using slownesses calculated in directions 1 through n.

9. A computer program stored in a tangible medium, the program comprising executable instructions that cause a computer-based acoustic logging system, utilizing one or more acoustic sources, each with a specified radiation pattern around a source orientation, to:

transmit an acoustic signal into a formation with a source oriented in a first source orientation;

receive an acoustic waveform in response with a receiver oriented in a first direction;

calculate the slowness of the formation in the first direction using the received acoustic waveform.

10. The computer program of claim 9, or the method of claim 1, wherein:

the first source orientation is substantially the same as the first direction.

11. The computer program of claim 9 further comprising executable instructions that for directions i = 2 through n, cause the computer-based acoustic logging system to:

transmit an ith acoustic signal into the formation with the source oriented in an ith source orientation;

receive an acoustic waveform in response with the receiver oriented in an ith direction;

calculate the slowness of the formation in the ith direction using the received acoustic waveform from the ith direction.

12. The computer program of claim 11 further comprising executable instructions that cause the computer-based acoustic logging system to:

use the calculated slowness of the formation in the n directions to determine the anisotropy of the formation.

This data, for application number 2009231758, is current as of 2011-12-04 23:28 AEDT

2009231758 28 Nov 2011

13. The computer program of claim 11 further comprising executable instructions that cause the computer-based acoustic logging system to:

use the calculated slowness of the formation in the n directions to determine the direction in which to fracture the formation.

14. The computer program of claim 11 further comprising executable instructions that cause the computer-based acoustic logging system to:

use the calculated slowness of the formation in the n directions to identify an approaching bed in one of the n directions.

15. The computer program of claim 14 further comprising executable instructions that cause the computer-based acoustic logging system to:

steer a tool away from the approaching bed.

16. The computer program of claim 9 wherein the slowness of the formation is calculated using a technique selected from the group consisting of a semblance technique and a peak matching technique.

17. The computer program of claim 11 further comprising executable instructions that cause the computer-based acoustic logging system to:

create an image of the formation using slownesses calculated in directions 1 through n.

18. The computer program of claim 9 or the method of claim 1, wherein the source is selected from the group consisting of a point source and a multi-pole source.

19. A method substantially as herein described.

20. A computer program stored in a tangible medium substantially as herein described.

This data, for application number 2009231758, is current as of 2011-12-04 23:28 AEDT

RECEIVED
30 MAR 2011

Australian Government
IP Australia

Discovery House, Phillip ACT 2606
PO Box 200, Woden ACT 2606
Australia
Phone: 1300 651 010
International Callers: +61-2 6283 2999
Facsimile: +61-2 6283 7999
Email: assist@ipaustralia.gov.au
Website: www.ipaustralia.gov.au

29 March 2011

Pizzeys
PO Box 291
Woden
Canberra ACT 2606
Australia

Your Ref: 31864HAL/MRR/kj

Examiner's first report on patent application no. 2009231758
by Halliburton Energy Services Inc.

Last proposed amendment no. 1

Dear Madam/Sir,

I am replying to the request for examination. I have based this report on the pamphlet and the statement of proposed amendments under S104 of 31 August 2010. I have examined the application and I believe that there are lawful grounds of objection to the application. These grounds of objection are:

1. Claims 1-5, 13-18 and 26-28 are not novel and lack an inventive step in light of the prior art document
   D1 : US 6188961
   discussed in section V of the International Preliminary Report on Patentability dated 18 September 2010.

   While the objection regarding these documents was not made under Australian law, I agree with the reasons given in that report and consider that they support a corresponding objection against the Australian claims.

   In relation to claims 27 and 28, note particularly Figures 2 and 3 and column 6 line 54 to column 7 line 19 of D1 (cf Figure 2 of the instant application), in addition to the reasoning provided in the above report.

2. Claims 6, 7, 10, 12, 19, 20, 23 and 25 lack an inventive step in light of an obvious combination of the prior art documents
   D1 : US 6188961
   D2 : US 5678643
   discussed in section V of the International Preliminary Report on Patentability dated 18 September 2010.

   While the objection regarding these documents was not made under Australian law, I agree with the reasons given in that report and consider that they support a corresponding objection against the Australian claims.

3. Claims 8, 9, 11, 21, 22 and 24 lack an inventive step in light of an obvious combination of the prior art documents

D1 : US 6188961

D3 : US 5311484

discussed in section V of the International Preliminary Report on Patentability dated 18 September 2010.

While the objection regarding these documents was not made under Australian law, I agree with the reasons given in that report and consider that they support a corresponding objection against the Australian claims.

NOTE: There is a current postponement of acceptance in place. If you overcome all other objections before the expiration of that postponement, the Commissioner will only accept the application at that time if you have filed a clear and unambiguous statement requesting the withdrawal of that postponement. Otherwise, a further adverse report will be issued.

You have 21 months from the date of this report to overcome all my objection(s) otherwise your application will lapse.

You will need to pay a monthly fee for any response you file after 12 months from the date of the first report.

You will also need to pay any annual continuation fees that apply. These will normally be first due five years from the filing date. Please note however that earlier commencement dates apply for divisional applications.

Information about fees may be obtained by phoning 1300 651 010.

Yours faithfully,

MICHAEL HALL
Patent Examination B
A3 - Physics
Phone: (02) 6283 2474

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Email: assist@ipaustralia.gov.au
Website: www.ipaustralia.gov.au

1 December 2011

RECEIVED
- 5 DEC 2011
BY:

Pizzeys
PO Box 291
Woden
Canberra ACT 2606
Australia

RE: Patent Application number **2009231758**
in the name(s) of **Halliburton Energy Services Inc.**.

Your Ref: **31864HAL/MRR**

Dear Sir/Madam

Notice of Acceptance

I am pleased to advise that there are no objections to the application. The Examiner has incorporated into the complete specification amendments made under PCT Article 34 and/or Section 104 based on the following:

PCT: - Not Applicable
S104 amendments up to and including item number: - 2

The application and complete specification were accepted on 29 November 2011 and a notice of the acceptance will appear in the Supplement to the Australian Official Journal of Patents on 15 December 2011.

For applications filed after 31 August 2002 or that entered National Phase after 31 August 2002, a fee for acceptance of an application applies. This fee includes a component determined by the number of claims in excess of 20. If the acceptance fee applies and has not been paid, an Invitation to Pay (ITP) will issue. If the amount is paid by the due date, your patent will be sealed as soon as practicable after the 3 month period for opposition has expired. The total number of claims at acceptance has been reported as: 20

If you need any further information please contact (02) 6283 2898. Alternatively, you may contact us by email at assist@ipaustralia.gov.au.

Yours faithfully

Electronic Records Administration

Bibliographic Details at Acceptance

PAMS Details for Patent Application No. 2009231758

Your Reference:	31864HAL/MRR
Acceptance Date:	29 November 2011
Acceptance to be Advertised:	15 December 2011
Complete Filing Date:	1 April 2009
OPI Date:	8 October 2009
National Phase Entry Date:	27 August 2010
Applicant Name:	Halliburton Energy Services Inc.
Address:	10200 Bellaire Blvd. Houston TX 77072 United States of America
Inventor Name(s):	Market, Jennifer Anne Althoff, Gary
Title:	Acoustic anisotropy and imaging by means of high resolution azimuthal sampling
Agent Name:	Pizzeys
Address for Correspondence:	PO Box 291 Woden Canberra ACT 2606 Australia
Address for Legal Service:	Level 2, Woden Plaza Offices Woden Town Square Woden Canberra ACT 2606 Australia

Prior Art Documents:
US 5311484 A
US 5678643 A
US 6188961 B1

Priority Details:

Date	Application Number	Country
3 April 2008	61/041,974	United States of America

Int. Cl.
G01V 1/38 (2006.01)

Continuation Fee Due Date: 1 April 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Howard L. Speight
12610 Trail Hollow Drive
Houston TX 77024

MAILED
FEB 08 2012
OFFICE OF PETITIONS

In re Application of
MARKET, Jennifer Anne
Application No.: 12/922,978
Filed: September 16, 2010
Attorney Docket No.: 001001.2007-IP-004996 US
For: ACOUSTIC ANISOTROPY AND IMAGING BY MEANS OF HIGH RESOLUTION AZIMUTHAL SAMPLING

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed on December 12, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);

(3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s); and

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

(5) Applicant must submit a copy of all of the Office actions from each of the IPAU application(s);

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

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

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

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Ramesh Krishnamurthy

for David Bucci RAMESH KRISHNAMURTHY
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DEC 16 2010

PCT LEGAL ADMINISTRATION

LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

In re Application of:
SHOCHAT, Eden, et al.
U.S. Application No.: 12/922,984
PCT No.: PCT/IL2009/000316
International Filing Date: 19 March 2009
Priority Date: 20 March 2008
Attorney's Docket No.: CU-8634 BSE
For: RELATIONSHIP MAPPING EMPLOYING MULTI-DIMENSIONAL CONTEXT INCLUDING FACIAL RECOGNITION

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Request To Correct Inventorship In Non-Provisional Application (37 CFR 1.48(a))" filed by applicants on 11 November 2010, considered here under 37 CFR 1.497(d).[1] Applicants have paid the required $130 processing fee.

BACKGROUND

On 19 March 2009, applicants filed international application PCT/IL2009/000316. The application claimed a priority date of 20 March 2008, and it designated the United States. On 24 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., 20 September 2010. The published international application identified three applicant/inventors for the United States.

On 16 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.

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 incompliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

[1] The present submission refers to 37 CFR 1.48(a); however, where an applicant seeks to correct inventorship in an application entering the national stage in the United States under 35 U.S.C. 371, the applicable regulation is 37 CFR 1.497(d).

On 11 November 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge, declarations executed by the three inventors of record and an additional person, and the "Request To Correct Inventorship In Non-Provisional Application (37 CFR 1.48(a))" considered herein under 37 CFR 1.497(d).

DISCUSSION

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

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

The declaration filed by applicants names an inventive entity different than that set forth in the international application. Specifically, Yaniv TAIGMAN has been added as an additional inventor. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

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

However, a grantable request to correct inventorship must be accompanied by an acceptable declaration executed by the inventors, and the declaration filed by applicants on 11 November 2010 is not acceptable as filed. Specifically, the declaration includes an unacceptable non-dated, non-initialed hand-written alteration with respect to the citizenship of the second inventor, Moti SHNIBERG. As set forth in MPEP section 605.04(a): "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated" (see 37 CFR 1.52(c)).

Before the present request to correct inventorship under 37 CFR 1.497(d) may be granted, applicants must submit a revised declaration executed by inventor Moti SHNIBERG that contains all information required under 37 CFR and which does not include any unacceptable handwritten alterations.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice pending the submission of a declaration acceptable under 37 CFR 1.497.

As set forth above, the declaration document filed 11 November 2010 is defective because it contains a non-dated, non-initialed hand-written alteration with respect to the citizenship of the second inventor, Moti SHNIBERG.

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 Request Under 37 CFR 1.497(d)" and must include a revised declaration executed by inventor Moti SHNIBERG that contains all information required under 37 CFR and which does not include any unacceptable handwritten alterations.

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

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

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 12 2011

PCT LEGAL ADMINISTRATION

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

In re Application of: SHOCHAT, Eden, et al. U.S. Application No.: 12/922,984 PCT No.: PCT/IL2009/000316 International Filing Date: 19 March 2009 Priority Date: 20 March 2008 Attorney's Docket No.: CU-8634 BSE For: RELATIONSHIP MAPPING EMPLOYING MULTI-DIMENSIONAL CONTEXT INCLUDING FACIAL RECOGNITION	DECISION ON RENEWED REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Response to Decision, Request to Correct Inventorship in Non-Provisional Application & Submittal of Supplemental Combined Declaration & Power of Attorney" filed on 15 February 2011, considered here as a renewed request to correct inventorship 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 16 December 2010. The decision dismissed without prejudice applicants' request to correct inventorship under 37 CFR 1.497(d), finding that applicants' had not provided all the requirements for a grantable request. Specifically, applicants had not provided an acceptable declaration executed by each of the inventors (the declaration filed by applicants contained an unacceptable hand-written alteration).

On 15 February 2011, applicants filed a response to the 16 December 2010 decision accompanied by a revised declaration.

DISCUSSION

Applicants' 15 February 2011 submission includes revised declarations executed by each of the inventors, including the inventor to be added, Yaniv TAIGMAN. The revised declarations are in an acceptable form. As stated in the 16 December 2010 decision, applicants have previously submitted the other requirements for a grantable request under 37 CFR 1.497(d), that is, the statement of non-deceptive intent from the person to be added as an inventor, the

applicable processing fee, and the consent of the assignee to the requested change in inventorship in compliance with 37 CFR 3.73(b).

Applicants have now satisfied all the outstanding requirements for a grantable request to correct inventorship under 37 CFR 1.497(d). The requested addition of Yaniv TAIGMAN as an additional inventor of record in the present application is therefore appropriately granted.

CONCLUSION

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

The inventorship of record herein is corrected to add Yaniv TAIGMAN as an additional inventor of record.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 February 2011.

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
MAR 27 2012
OFFICE OF PETITIONS

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of	: DECISION ON REQUEST TO
Tadashi SAKAI et al.	: PARTICIPATE IN PPH PROGRAM
Application No. 12/923,046	: AND PETITION TO MAKE SPECIAL
Filed: August 31, 2010	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 01-2027	:

For: IN-VEHICLE CHARGE AND DISCHARGE CONTROL APPARATUS AND PARTIAL CONTROL APPARATUS

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 7, 2012 to make the above-identified application special.

The petition and request are **DISMISSED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

1. The U.S. application is a Paris convention application that either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more application filed in the JPO or to a PCT application that contains no priority claims, or is a national stage application under the PCT that either validly claims priority to an application filed in the JPO or to a PCT application that contains no priority claims, or that contains no priority claim, or is a bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application that validly claims priority to an application filed in the JPO, to a PCT application that contains no priority claims, or contain no priority claim;

2. Applicant must ensure all the claims in the U.S. application sufficiently correspond or amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application and submit a claim correspondence table in English;

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

4. Applicant must submit a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s), or if the allowable/patentable claim(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal, or if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form, and an English language translation of the JPO Office action if submitted; and

5. Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action, unless already submitted in this application, and copies of the documents except U.S. patents or U.S. patent application publications, unless already submitted in this application.

Requirements (1), and (3) to (5) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (2).

Regarding requirement (2), the claims of the U.S. application fail to sufficiently correspond to the claims in the JPO application.

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

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

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

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

Thurman K Page

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

MAILED
MAR 08 2012
OFFICE OF PETITIONS

In re Application of :
Walther et al. :
Application No. 12/923,088 : ON PETITION
Filed: 09/01/2010 :
Attorney Docket No. 2674-000063/US/02 :

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2) for Acceptance of Color Drawings, filed in the United States Patent and Trademark Office (USPTO) on September 1, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

The petition is not accompanied by an amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings: The patent or application file contains at

[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).

least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners state that to clearly identify the features of the invention as specified in the petition, the color drawings are necessary.

Petitioner's argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore dismissed.

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

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2872.

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

Jose' G. Dees
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
MAR 15 2011
OFFICE OF PETITIONS

Dykema Gossett PLLC
Suite 300 West
1300 I Street, N.W.
Washington DC 20005-3306

In re Application of Gray	:	
Application No. 12/923,169	:	Letter
Filing Date: September 7, 2010	:	
Attorney Docket No. 66956-007-7	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed October 18, 2010.

The deficiency payment of $545 is hereby accepted.

The change of status to large entity has been entered and made of record.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DYKEMA GOSSETT, PLLC
SUITE 300 WEST
1300 I STREET, NW
WASHINGTON, DC 2005-3306

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
Andrew Gray :
Application No. 12/923,170 : NOTICE
Filed: September 7, 2010 :
Attorney Docket No. 66956-006-7 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THOMAS J. GERMINARIO, ESQ.
154 ROUTE 206
CHESTER, NJ 07930

MAILED

OCT 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Hans Frei	:	
Application No. 12/923,232	:	DECISION ON PETITION
Filed: September 10, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. HF-CIP1	:	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 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 Technology Center.

The application is being forwarded to the Technology Center Art Unit 3751 for action on the merits commensurate with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

MAILED

JUL 25 2011

OFFICE OF PETITIONS

In re Application of	:	
Dono et al.	:	
Application No. 12/923,255	:	DECISION ON PETITION
Filed: September 10, 2010	:	
Attorney Docket No. ELP09054US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed October 13, 2010, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 14, 2010. A Notice of Abandonment was mailed on June 21, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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MAILED
AUG 02 2011
OFFICE OF PETITIONS

Linda Lazarowich
#59 Barbara Crescent
Winnipeg MB R3R 2Y4 CA CANADA

In re Application of	:	
Lazarowich	:	
Application No. 12/923,265	:	ON PETITION
Filed: September 13, 2010	:	
Attorney Docket No. 001	:	

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

The petition is **GRANTED**.

The application became abandoned on December 2, 2010, for failure to respond to the Notice to File Missing Parts of Non-provisional Application mailed October 1, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a preliminary amendment to the claims that cancels additional claims for which fees are due ; (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

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

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/923,314	09/14/2010	Kenji Mase	01-2035	4130

7590 03/07/2012
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
LEE, BENJAMIN C

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
03/07/2012	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Jarmel

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

MAILED
DEC 06 2010
OFFICE OF PETITIONS

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of :
Kim et al. :
Application No. 12/923,377 :
Filed: September 17, 2010 :
Attorney Docket No.: 2557SI-001464/US :
Title: MAGNETIC TUNNEL JUNCTION DEVICES, ELECTRONIC DEVICES INCLUDING A MAGNETIC TUNNELING JUNCTION DEVICE AND METHODS OF FABRICATING THE SAME :

DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.182

This is a decision on the petition filed November 1, 2010, requesting that the above-identified application, including Figures 9 and 10, be accorded a filing date of September 17, 2010 as part of the original disclosure.

The application was deposited on September 17, 2010. However, on October 7, 2010, the Office of Data Management (ODM) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (notice), stating that the application had been accorded a filing date, and advising Applicants that Figures 9 and 10 appeared to have been omitted on filing. The notice set a two-month period for reply.

In response, on November 1, 2010, Applicants filed this petition. The petition is further accompanied by a copy of Figures 9 and 10, and a copy of Applicants' postcard receipt acknowledging receipt of "Drawings (7 sheets)" in the United States Patent and Trademark Office (Office) on September 17, 2010. Applicants request that Figures 9 and 10 be accorded a filing date of September 17, 2010.

Upon review of the electronic file, six sheets of drawings have been located, containing Figures 1-8 and 11-12. Figures 9 and 10 have not been located among the application papers. However, the evidence is convincing that the application papers deposited on September 17, 2010 included seven drawing sheets containing Figures 1-8 and 11-12, and the fifth sheet (containing Figures 9 and 10) was subsequently misplaced in the Office.

Therefore, the application, including Figures 9 and 10, was complete on filing and entitled to a filing date of September 17, 2010 as part of the original disclosure.

Accordingly, the petition pursuant to 37 C.F.R. § 1.182 is **GRANTED.**

The notice mailed October 7, 2010 was sent in error, and is hereby **VACATED.** Therefore, no petition fee is necessary.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for:

- Processing the application with a filing date of September 17, 2010, using the original application papers filed on that date, as well as Figures 9 and 10 submitted on November 1, 2010, and;
- noting in Office records that Figures 9 and 10 were present on filing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[1]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA VA 22182-2683

MAILED
DEC 10 2010
OFFICE OF PETITIONS

In re Application of	:	
Yokoyama et al.	:	
Application No. 12/923,444	:	ON PETITION
Filed: September 22, 2010	:	
Attorney Docket No. 03883.0064	:	

This is a notice regarding your request, November 10, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/923,476	09/23/2010	Demin Wang	102-53 US	6651

7590 03/15/2011
Teitelbaum & MacLean
280 Sunnyside Avenue
Ottawa, ON K1S 0R8
CANADA

EXAMINER

ART UNIT	PAPER NUMBER
2482	

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TEITELBAUM & MACLEAN
280 SUNNYSIDE AVENUE
OTTAWA, ONTARIO, CANADA
K1S 0R8

MAILED

MAR 15 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

In Re Application of
WANG, DEMIN et. al
Application Serial No. 12/923,476
Filed: September 23, 2010
For: **IMAGE INTERPOLATION FOR MOTION/DISPARITY COMPENSATION**

DECISION ON PETITION TO ACCEPT COLOR PHOTOGRAGHS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed September 23, 2010, requesting acceptance of color drawings.

The petition requests that the color photographs, noted as Figures 9A and 9B, be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color photos in question, a black and white photocopy of said photos, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

" The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

Petitioner has met the requirements set forth above. Accordingly, the petition is **Granted**.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400
(571) 272-7418

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/923,570	09/28/2010	Kazunobu Tsuru	091959-0109	8105

22428 7590 01/13/2011
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

ART UNIT	PAPER NUMBER
1781	

MAIL DATE	DELIVERY MODE
01/13/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JAN 13 2011

CST

In re application of Kazunobu Tsuru et al Serial No. 12/923,570 Filed: September 28, 2010 For: ROASTED BARLEY, BARLEY TEA BAGS USING THE SAME AND METHOD OF PRODUCING ROASTED BARLEY	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed October 26, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate; and

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JAN 25 2011

OFFICE OF PETITIONS

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

In re Application of :
Horacek, et al. :
Application No. 12/923,595 : ON PETITION
Filed: September 29, 2010 :
Attorney Docket No. 28952.5754A/C1 :
For: STRUCTURAL RESPONSE MODIFYING FEATURES FOR A GOLF CLUB HEAD

This is a decision on the petition, filed November 3, 2010, requesting withdrawal of the Notice of Incomplete Nonprovisional Application, mailed October 20, 2010, and that the above-identified application be accorded a filing date of September 29, 2010. The petition will be treated under 37 CFR 1.53(e)(2).

The application was deposited on September 29, 2010. On October 20, 2010, the Office of Patent Application Processing mailed a Notice informing applicants that no filing date had been accorded to the application papers deposited on September 29, 2010 because no drawings were present, as is required by 35 U.S.C. 113.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the above-identified application be accorded a filing date of September 29, 2010 on the basis that 15 sheets of drawing figures were received in the Patent and Trademark Office (PTO) on September 29, 2010. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Patent Application Processing generated barcode and date stamp citing September 29, 2010 as the date of receipt. The postcard lists, *inter alia*, that the filing included 15 sheets of drawings.

The return postcard constitutes *prima facie* evidence that the items listed thereon were filed on September 29, 2010. MPEP 503.

A review of the documents filed on September 29, 2010 reveals that the Office miscoded the original application filed on September 29, 2010 as "Non Patent Literature" (NPL) in the image file wrapper. There are 15 sheets of drawings in the document miscoded as NPL. Accordingly, the request is granted.

Pursuant to petitioners' authorization, deposit account no. 19-4293 will be refunded the $400.00 petition fee.

The application is being returned to Office of Patent Application Processing for further processing, with a filing date of **September 29, 2010**, using the copy of the 15 sheets of drawings filed on September 29, 2010 and re-submitted with the instant petition. OPAP will subsequently issue a filing receipt listing the correct filing date and indicating that 15 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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.
12/923,617	09/29/2010	Sosuke Akao	1186.1094	8323

21171 7590 12/01/2010
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
12/01/2010	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

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Alexandria, VA 22313-1450
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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of
AKAO et al.
Application No.: 12/923,617
Filed: 29 September 2010
Attorney Docket No.: 1186.1094
For: RETARDATION SUBSTRATE, SEMI-TRANSPARENT LIQUID CRYSTAL DISPLAY, AND METHOD FOR MANUFACTURING RETARDATION SUBSTRATE

: 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 10 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

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

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

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

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

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

4825-12 JTR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

COPY MAILED

OCT 12 2007

OFFICE OF PETITIONS

In re Application of
Tasaka, Nakanishi, Shibasaki, Kamada, Yoshida, and Tsuda
Application No. 11/390,465
Filed: March 28, 2006
Attorney Docket No. 4825-12
For: LIQUID CRYSTAL DISPLAY DEVICE

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

This is in response to the renewed petition under 37 CFR 1.47(a), filed September 27, 2007.

The petition is **GRANTED**.

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

The above-identified application was filed on March 28, 2006, without a proper oath or declaration, among other items. Accordingly, a "Notice to File Missing Parts of Nonprovisional Application" was mailed on May 5, 2006, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration, and payment of the filing fee and claim fees. A petition under 37 CFR 1.47(a) was filed on November 29, 2006. The petition was dismissed by a decision mailed March 28, 2007. The instant renewed petition was filed on September 27, 2007, with a request for an extension of time within the fourth month.

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

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

This application will be forwarded to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

TASAKA et al. Atty. Ref.: 4825-12

Serial No. 11/390,465 TC/A.U.: 2871

Filed: March 28, 2006 Examiner: unknown

For: LIQUID CRYSTAL DISPLAY DEVICE

* * * * * * * * * * *

September 27, 2007

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

Sir:

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)

A Petition by Person Having Proprietary Interest to File Application on Behalf of Inventor(s) Who Refuse to Sign or Cannot Be Found ("Petition") was filed in this case on November 29, 2006. The Petition was dismissed in a decision dated March 28, 2007.

Petitioner hereby requests reconsideration of the Petition in view of the materials previously submitted and the attached Additional Statement of Facts by Makoto Ohashi (including exhibits 1-4 and partial English translations thereof).

Petition is hereby made to extend the current due date four (4) months so as to cover the filing date of this paper and attachment(s). A check for $1,590.00 is submitted herewith.

The Commissioner is hereby also authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____
H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:alb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

TASAKA et al. Atty. Ref.: 4825-12

Serial No. 11/390,465 TC/A.U.: 2871

Filed: March 28, 2006 Examiner: unknown

For: LIQUID CRYSTAL DISPLAY DEVICE

* * * * * * * * * * *

November 29, 2006

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

Sir:

PETITION BY PERSON HAVING PROPRIETARY INTEREST TO FILE APPLICATION ON BEHALF OF INVENTOR(S) WHO REFUSE TO SIGN OR CANNOT BE FOUND

Sharp Kabushiki Kaisha, having a proprietary interest in the above identified application, petitions to make this application on behalf of the non-signing inventors, Tsuyoshi KAMADA and Hideaki TSUDA, who refuse to join in the application or cannot be found.

This petition is accompanied by (i) a showing of sufficient proprietary interest, (ii) proof of the pertinent facts and (iii) the last known address of the non-signing inventors as set forth in the accompanying Statement of Facts in Support of Filing on Behalf of Non-Signing Inventor. The fee set forth in §1.17(g) ($200.00), required by 37 C.F.R. §1.47(a), is enclosed.

The person making this statement is authorized to sign on behalf of the owner on the basis of the supporting papers which are attached.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 14-1140. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 14-1140. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____
H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:alb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

TASAKA et al. Atty. Ref.: 4825-12

Serial No. 11/390,465 TC/A.U.: 2871

Filed: March 28, 2006 Examiner: unknown

For: LIQUID CRYSTAL DISPLAY DEVICE

* * * * * * * * * * *

November 29, 2006

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

Sir:

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NON-SIGNING INVENTOR(S)

Attached is the Statement of Facts in support of the Petition By Person Having Proprietary Interest To File Application On Behalf Of Inventor(s) Who Refuse To Sign Or Cannot Be Found in the above-referenced application.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____
H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:alb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

STATEMENT OF FACTS

1. The most recent addresses of the non-signing inventors of the present application known by Sharp Kabushiki Kaisha (Sharp) are as follows:

Tsuyoshi Kamada:	1352-2-501 Suenaga Takatsu-ku, Kawasaki-shi, Kanagawa 213-0013; and
Hideaki Tsuda:	Koarodo Ebina 3-402, 174 Nakashinden, Ebina-shi, Kanagawa 243-0422.

2. Efforts to obtain signatures for the Declaration and Power of Attorney for the present patent application, as well as an Assignment from the non-signing inventors of the present patent application, are described as follows.

3. The present patent application is for an invention made while the inventors were employed at Fujitsu Display Technologies Corporation (FDTC).

4. In the employment agreement with FDTC's regular employees, it was stipulated that for inventions made by employees in the course of their duties, the rights to obtain patents in Japan and foreign countries should be assigned to FDTC as employee inventions.

5. Also, at FDTC, for employee inventions, in the application request form filled in by the inventors, it was reconfirmed by the inventors that there was an assignment of rights from the inventors to FDTC to obtain patents in Japan and foreign countries. In the present case, it was confirmed that there was an assignment to FDTC in the application request form from the inventors dated January 27, 2004. The application for the present invention was filed in Japan in the name of FDTC on March 29, 2005.

6. Meanwhile, Sharp came to receive the transfer of the liquid crystal business from FDTC in April 2005, and an agreement transferring the entire liquid crystal business including the patents held by FDTC to Sharp (including those in the process of being applied for and not yet applied for where the rights to obtain patents had been assigned by the inventors) has been entered into by and between FDTC, Fujitsu Limited (Fujitsu), Fujitsu Laboratories Limited and Sharp.

7. In relation to patent application processing, there are some cases for which FDTC completed the filing in Japan, but not in foreign countries.

8. In regard to the foreign applications which had yet to undergo such processing, it was decided that after the execution of the agreement, the application procedure would be conducted in the name of Sharp on the Sharp side based on the transfer to Sharp of rights to obtain patents which had not yet been applied for.

9. In the business transfer, the employees, including the present inventors, were transferred to Sharp from FDTC. However, based on the employees' desires, there were several inventors who resigned from FDTC without being transferred to Sharp, and other inventors who were transferred to Sharp but thereafter resigned from Sharp.

10. FDTC was merged into Fujitsu on July 1, 2005.

11. From around October of 2005, the documents required in the US applications began to be sent one by one to the resigned inventors. However, there were retirees who did not respond or withheld signatures.

12. The inventors in the present case are Tsuyoshi Kamada, Hideaki Tsuda and four other inventors. Tsuyoshi Kamada resigned from FDTC on March 31, 2005 without being transferred to Sharp. After being transferred to Sharp, Hideaki Tsuda resigned from Sharp on September 15, 2005.

13. Tsuyoshi Kamada: On October 20, 2005, Sharp sent Tsuyoshi Kamada a letter with documents pertaining to another patent application acquired by Sharp from FDTC. The documents included the Declaration and Power of Attorney for Patent Application, and the Assignment in the form specified in this matter with the English specification (including claims and drawings) attached. The Sharp October 20, 2005 letter to Tsuyoshi Kamada requested that Tsuyoshi Kamada sign the enclosed papers for that case.

14. On October 28, 2005 Sharp received a reply from Tsuyoshi Kamada, wherein Tsuyoshi Kamada stated that he had left FDTC, that he had never had any dealings with Sharp,

that he saw no adequate reason or legal ground to sign the documents for that case, and that he therefore did not want to sign those documents.

15. On January 6, 2006, Fujitsu sent a letter to Tsuyoshi Kamada, explaining that Sharp now owns the right to obtain patents for the inventions, and asking Tsuyoshi Kamada to cooperate with Sharp in filing the patent application.

16. In addition, Fujitsu e-mailed Tsuyoshi Kamada and requested an appointment with him. By return e-mail, Tsuyoshi Kamada agreed to meet with Fujitsu on January 13, 2006. Subsequently, however, Tsuyoshi Kamada postponed the January 13, 2006 meeting on the basis that it would be inconvenient for him.

17. Fujitsu sent Tsuyoshi Kamada an e-mail on January 13, 2006, asking when it would be convenient for him to meet with Fujitsu. As of April 14, 2006, Fujitsu had not received any response to its January 13, 2006 e-mail to Tsuyoshi Kamada.

18. Fujitsu sent Tsuyoshi Kamada another e-mail on April 14, 2006 asking when it would be convenient for him to meet with Fujitsu, but no reply had been received from him.

19. On April 27, 2006, Sharp sent to Tsuyoshi Kamada by certified mail a letter enclosing the specification, including claims and drawings, a Declaration and Power of Attorney for Patent Application, and an Assignment for the present case and asking Tsuyoshi Kamada to sign the enclosed Declaration and Power of Attorney for Patent Application and the Assignment.

20. The April 27, 2006 letter from Sharp to Tsuyoshi Kamada was returned to Sharp due to his absence with a notice of non-delivery on May 10, 2006.

21. Again on June 29, 2006, Sharp sent to Tsuyoshi Kamada by certified mail a letter enclosing the specification, including claims and drawings, a Declaration and Power of Attorney for Patent Application, and an Assignment for the present case and asking him to sign the enclosed Declaration and Power of Attorney for Patent Application and the Assignment.

22. Sharp received a delivery certificate on July 2, 2006 for the June 29, 2006 letter, confirming delivery of that letter and its enclosures to the last-known address of Tsuyoshi Kamada.

23. On July 3, 2006, Sharp received from Tsuyoshi Kamada the June 29, 2006 Sharp letter. However, with the returned letter there was no signature on the documents but rather a note from Tsuyoshi Kamada, in which he acknowledged Fujitsu's effort to meet with him, but stated that, he had not agreed to sign the documents.

24. Fujitsu thereafter received an e-mail dated July 9, 2006 from Tsuyoshi Kamada. In that e-mail, In particular, Tsuyoshi Kamada said that, although an opinion described in the January 6, 2006 letter from Fujitsu to Tsuyoshi Kamada might have meaning between Fujitsu and Sharp, it did not have any meaning for him to sign the documents. Tsuyoshi Kamada's July 9, 2006 e-mail also said that repeating the same argument would be a waste of time and that he would like to get away from this case.

25. To date, no signed documents for the present case have been received from Tsuyoshi Kamada.

26. Hideaki Tsuda: On February 16, 2006, Sharp sent a letter to Hideaki Tsuda by certified mail to his last-known address. The February 16, 2006 letter explained to Hideaki Tsuda that Sharp owns the right to obtain a patent for the invention of the present case and requested Hideaki Tsuda's cooperation in signing the necessary documents for the patent application to be made by Sharp.

27. The February 16, 2006 letter from Sharp to Hideaki Tsuda was returned to Sharp due to his absence with a notice of non-delivery in early March 2006.

28. On April 27, 2006, Sharp sent to Hideaki Tsuda by certified mail a letter enclosing a Declaration and Power of Attorney for Patent Application, an Assignment and the specification (including claims and drawings) for the present case. The April 27, 2006 letter asked Hideaki Tsuda to sign the Declaration and Power of Attorney for Patent Application and the Assignment for the present case.

29. The April 27, 2006 letter from Sharp to Hideaki Tsuda was returned to Sharp due to his absence with a notice of non-delivery on May 12, 2006.

30. Sharp has no knowledge of Hideaki Tsuda's telephone number and knows of no other way to contact Hideaki Tsuda.

Date: Nov. 21, 2006 Shigeo Terashima

Shigeo Terashima, Group General Manager
Intellectual Property Group of
Sharp Kabushiki Kaisha

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:	Application Number (if known): 12923771	Filing date: 10/7/2010

First Named Inventor: walid aboelhaggag ibrahim ahmed zidan

Title: gravity buoyancy generator.

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

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

1. By filing this petition:

   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 walid zidan	Date 3/31/2011
Name (Print/Typed) walid aboelhaggag ibrahim ahmed zidan	Registration Number

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

☐ *Total of _____ forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/923,771	10/07/2010	Walid Aboelhaggag Ibrahim Ahmed Zidan		5325

11619 7590 04/26/2011
Walid Aboelhaggag Ibrahim Ahmed
Zidan
14 Almoasker St. from Algazair New Maadi.
Cairo,
EGYPT

EXAMINER	
ART UNIT	PAPER NUMBER
3748	

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

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

Walid Aboelhaggag Ibrahim Ahmed
Zidan
14 Almoasker St. from Algazair New Maadi.
Cairo EG EGYPT

In re Application of	:	
ZIDAN, WALID ABOELHAGGAG IBRAHIM AHMED	:	DECISION ON PETITION
Application No. 12/923,771	:	TO MAKE SPECIAL UNDER
Filed: Oct. 7, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. N/A	:	PILOT PROGRAM

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

The petition is **DISMISSED**.

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

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

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

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks items #2, #4 and # 8.

In regard to item 2, petitioner should note that a review of the claims in the instant application has been made for the purposes of determining the presence of any multiple dependent claims contained therein. The application includes multiple dependent claims and thus does not meet the requirements as set forth in the Notice. Claims 3-5, 7 and 9 are multiple dependent claims and must be cancelled.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. In the petition, petitioner states that the claims of the application are directed to green technology. This is not persuasive because it is not clear how the claimed perpetual energy is generated in compliance with the first law of thermodynamics.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee $300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

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. Currently, the application is undergoing pre-examination processing. Upon completion, the application will be forwarded to the Technology Center Art Unit 3748 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 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.
12/923,844	10/12/2010	Daisuke Endo	KPO-055A	9355

32628 7590 05/31/2011
KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER
ROE, CLAIRE L

ART UNIT	PAPER NUMBER
1727	

MAIL DATE	DELIVERY MODE
05/31/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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EL

May 31, 2011

In re application of	:	DECISION ON REQUEST TO
Endo, et al.	:	PARTICIPATE IN PATENT
Serial No. 12/923844	:	PROSECUTION HIGHWAY
Filed: October 12, 2010	:	PROGRAM AND
For: **PROCESS FOR PRODUCING**	:	PETITION TO MAKE SPECIAL
LITHIUM SECONDARY BATTERY	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed May 17, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

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

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

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

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

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

/ Emily M. Le/

Emily M. Le
Supervisory Patent Examiner,
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Steven C. DeSmet, Esq.
11785 Beltsville Drive
Calverton, MD 20705

MAILED

AUG 25 2011

OFFICE OF PETITIONS

In re Application of Michael Letchford Application No. 12/923,863 Filed: October 12, 2010 Attorney Docket No. N/A	:	DECISION ON PETITION

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

The above application became abandoned for failure to timely respond to the Notice to File Corrected Application Papers mailed November 2, 2010. A Notice of Abandonment was mailed on July 15, 2011.

Since the petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a specification, replacement claims and seven (7) sheets of drawings containing Figures 1-7; (2) the petition fee of $810; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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COOPER & DUNHAM, LLP
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK NY 10112

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Gronthos, et al	:	
Application No. 12/924,008	:	DECISION
Filed/Deposited: 16 September, 2010	:	
Attorney Docket No. 77677-A/JPW/BJA/CSA	:	

This is a decision on the petition filed on 18 January, 2011, pursuant to 37 C.F.R. §1.53.

For the reasons set forth below, the petition pursuant to 37 C.F.R. §1.53 is **DISMISSED**.

BACKGROUND

The instant application was deposited on 16 September, 2010.

On 15 October, 2010, the Office mailed a Notice of Omitted Items, indicating therein that the application had been accorded a filing date but without page 36 of the specification (description and claims).

Thus, the application was accorded a filing date but without page 36 of the specification (description and claims).

OPAP indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawing FIG.S 1, 2 15 were present on deposit, and provide a copy of the drawing figures; submit the drawings and accept the date of submission as the filing date; or accept the application as deposited.

OPAP set a two- (2-) month period for reply.

On Tuesday, 18 January, 2011 (following a Federal holiday), Petitioner John P. White (Reg. 28,678) submitted a petition with fee and an averment, *inter alia*, that Petitioner wished to have the filing date of 16 September, 2010, for the entire application, including page 36 of the specification (description and claims).

Notably, it appears that Petitioner did not include with his papers a copy of page 36 of the specification (description and claims) averred to be a true copy of that deposited on 16 September, 2010.

Petitioner must be express and specific and provide a copy of page 36 of the specification (description and claims).

CONCLUSION

The petition is **dismissed**; Petitioner is given one (1) month, not less than 30 days to correct the deficiencies in his petition, including that described above.

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[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COOPER & DUNHAM, LLP.
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK NY 10112

MAILED
MAY 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Gronthos, et al	:	
Application No. 12/924,008	:	DECISION
Filed/Deposited: 16 September, 2010	:	
Attorney Docket No. 77677-A/JPW/BJA/CSA	:	

This is a decision on the petition filed on 28 April, 2011, pursuant to 37 C.F.R. §1.53.

NOTE:

Petitioner submitted a copy of a page numbered "36," but failed to aver that the page was a true and correct copy of the specification in question. (*See, inter alia*: MPEP §506, §601.01.)

The Office will construe Petitioner's submission to state that the copy of the page numbered "36" is a true and correct copy of the specification averred to have been deposited on 16 September, 2010.

If the Office is incorrect in so construing Petitioner's submission of this material, Petitioner **must** immediately Notice and so inform the Office of that condition. (*See, inter alia:* 37 C.F.R. §11.18.[1])

[1] The regulations at 37 C.F.R. §11.18 provide:

§ 11.18 Signature and certificate for correspondence filed in the Office.

(a)For all documents filed in the Office in patent, trademark, and other non-patent matters, and all documents filed with a hearing officer in a disciplinary proceeding, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Office must bear a signature, personally signed by such practitioner, in compliance with § 1.4(d)(1) of this subchapter.

(b)By presenting to the Office or hearing officer in a disciplinary proceeding (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1)All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or knowingly and willfully makes any false, fictitious, or fraudulent statements or representations, or knowingly and willfully makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001 and any other applicable criminal statute, and violations of the provisions of this section may jeopardize the probative value of the paper; and

(2)To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances,

(i)The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of any proceeding before the Office;

(ii)The other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

For the reasons set forth below, the petition pursuant to 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The record reflects that

- the instant application was deposited on 16 September, 2010;
- on 15 October, 2010, the Office mailed a Notice of Omitted Items, indicating therein that the application had been accorded a filing date but without page 36 of the specification (description and claims);
- thus, the application was accorded a filing date but without page 36 of the specification (description and claims);
- OPAP indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the page 36 of the specification (description and claims) was present on deposit, and provide a copy of the drawing figures; submit the drawings and accept the date of submission as the filing date; or accept the application as deposited;
- OPAP set a two- (2-) month period for reply.
- on Tuesday, 18 January, 2011 (following a Federal holiday), Petitioner John P. White (Reg. 28,678) submitted a petition with fee and an averment, *inter alia*, that Petitioner wished to have the filing date of 16 September, 2010, for the entire application, including page 36 of the specification (description and claims);

(iii)The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv)The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c)Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions or actions as deemed appropriate by the USPTO Director, which may include, but are not limited to, any combination of—

(1)Striking the offending paper;

(2)Referring a practitioner's conduct to the Director of Enrollment and Discipline for appropriate action;

(3)Precluding a party or practitioner from submitting a paper, or presenting or contesting an issue;

(4)Affecting the weight given to the offending paper; or

(5)Terminating the proceedings in the Office.

(d)Any practitioner violating the provisions of this section may also be subject to disciplinary action.

[Added, 73 FR 47650, Aug. 14, 2008, effective Sept. 15, 2008]

- .notably, Petitioner did not include with his papers a copy of page 36 of the specification (description and claims) averred to be a true copy of that deposited on 16 September, 2010; the petition was dismissed on 28 March, 2011, because, *inter alia*, Petitioner failed to be express and specific and provide a copy of page 36 of the specification (description and claims)—*see*: MPEP §506, §601.01—and Petitioner was given one (1) month to overcome this deficiency;

- on 28 April, 2011, Petitioner submitted a petition and included therewith, *inter alia*, and an averment that a date-stamped receipt card evidenced the presence on deposit of the application of page 36 of the specification (description, claims, abstract) with the other papers submitted, and so all of the pages were present on deposit and that the date-stamped receipt evidenced the Office receipt of the seventy-seven (77) pages of the specification (description), plus claims and abstract; and what was construed to have been averred to be true copies of page 36 of the specification (description). On review of the materials presented, the date-stamped ("SEP 16 2010") receipt card evidences—in pertinent part—the following:

***

Specification (77 pgs), Claims (7 pgs), Abstract (1 page), Sequence Listing (4 pages), Drawings (28 pages), Transmittal Letter, a Preliminary Amendment (Emphasis supplied)

***

Because Petitioner's acknowledgment receipt adequately itemized the contents of the application as to the elements deposited, it is concluded that the application—including the Specification (77 pgs), Claims (7 pgs), Abstract (1 page), Sequence Listing (4 pages), Drawings (28 pages), Transmittal Letter, a Preliminary Amendment—was deposited with the Office on 16 September, 2010, and that page 36 of the specification (description) subsequently was misplaced in the Office.

Accordingly, the application—including page 36 of the specification (description)—is entitled to a filing date of 16 September, 2010.

The Notice mailed on 15 October, 2010, was sent in error to the extent that it reflected that page 36 of the specification (description) was missing on deposit and is hereby **vacated** to the extent that it stated that the page 36 of the specification (description) was omitted on deposit.

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

CONCLUSION

The petition is **granted**; the petition fee waived and is being refunded *via* Deposit Account—should Petitioner later find that a fee was not refunded, Petitioner should send a refund request to Office of Finance with a copy of this decision.

This application is released to OPAP for further processing with a filing date of 16 September, 2010, for the entire application including page 36 of the specification (description) using:

- **pages 1–35 and 37-85 of the specification (description, claims, abstract), and 28 sheets of black and white drawings (FIGS. 1-21) deposited on 16 September, 2010; and**
- **page 36 of the specification (description) deposited on 8 April, 2011; and further,**

with direction to OPAP to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 16 September, 2010, and reflecting therein that 85 pages of specification (description claims abstract), and 28 sheets of black and white drawings (FIGS. 1 – 21) were present on filing.

[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).

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[3]) 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/Caller's action(s).

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

[3] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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

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OCT 12 2010

OFFICE OF PETITIONS

JOHN DONALD JACOBY
PO BOX 1134
SUN VALLEY ID 83353-1134

In re Application of	:	
John Donald JACOBY	:	
Application No. 12/924,081	:	DECISION ON PETITION
Filed: September 20, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 001	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

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

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

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

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

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

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/924,087	Confirmation Number	2342	Filing Date	2010-09-20
Attorney Docket Number (optional)		Art Unit	3764	Examiner	
First Named Inventor	Volker von Detten				
Title of Invention	Exercise treadmill having a simulated cobblestone running surface.				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Volker		von Detten	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

- (●) (1) I am an inventor in this application and I am 65 years of age, or more.
- ( ) (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Volker von Detten/	Date (YYYY-MM-DD)	2010-10-27
Name	Volker von Detten		

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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In re Application of
Volker von Detten

Application No. 12924087

Filed: September 20,2010

Attorney Docket No. vonDet. V-10

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

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

The petition is **GRANTED**.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 12 2010

OFFICE OF PETITIONS

LAWSON & PERSSON, P.C.
P.O. BOX 712
LANCONIA NH 03247-0712

In re Application of	:	
Van Velsor, Wesley V.	:	
Application No. 12/924,103	:	DECISION ON PETITION
Filed: September 21, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **1237-011CIP**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 21, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration of inventor Wesley Velsor, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing.

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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OFFICE OF PETITIONS

In re Application of
Ootaka, Kouji
Application No.: 12/924,105
Filed: September 21, 2010
Attorney Docket No. 4041J-001723/US
For: CAPACITIVE OCCUPANT SENSOR AND CAPACITIVE OCCUPANT DETECTION APPARATUS

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 1, 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 Petitions Examiner Liana Walsh at (571) 272-3206.

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OCT 12 2010

OFFICE OF PETITIONS

LAWSON & PERSSON, P.C.
P.O. BOX 712
LANCONIA NH 03247-0712

In re Application of	:	
Van Velsor, Wesley V.	:	
Application No. 12/924,115	:	DECISION ON PETITION
Filed: September 21, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **1237-012CIP**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 21, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration of inventor Wesley Velsor, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing.

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/924,180	09/22/2010	John R. Luchini	10012	7328

20879 7590 01/12/2012
EMCH, SCHAFFER, SCHAUB & PORCELLO CO
P O BOX 916
ONE SEAGATE SUITE 1980
TOLEDO, OH 43697

EXAMINER
KOTTER, KIP T

ART UNIT	PAPER NUMBER
3617	

MAIL DATE	DELIVERY MODE
01/12/2012	PAPER

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

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JAN 1 2 2012

EMCH, SCHAFFER, SCHAUB & PORCELLO CO
P O BOX 916
ONE SEAGATE SUITE 1980
TOLEDO OH 43697

In re Application of LUCHINI et al Application No. 12/924,180 Filed: September 22, 2010 For: SKEW SYMMETRIC NON-PNEUMATIC TIRE	: : : : : :	DECISION ON PETITION UNDER 37 CFR 1.84 TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 CFR § 1.84, filed September 22, 2010, to accept color drawings.

The petition is **Dismissed**.

A petition under 37 CFR 1.84(a)(2) requires:

> (2) *Color*. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:
>
> (i) The fee set forth in § 1.17(h);
> (ii) Three (3) sets of color drawings;
> (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:
>
> "The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

While the instant petition satisfies formal criteria (i) to (iii), it fails to provide a showing as to why the color drawings are "*necessary as the only practical medium by which to disclose the subject matter*" as required by 37 CRF 1.84. In support of the petition, petitioner states that the features described "do not show clearly in black and white". However, a review of the specification reveals that the specification fails to reference any of the colors in the drawings or what their meaning is or what they represent. Consequently, there appears to be no evidentiary showing that color is the **only practical medium** by which to disclose the invention, since applicant's own specification describes the invention without even explaining what the colors represent.

For the reasons set forth about, the petition filed under 37 CFR § 1.84(a)(2) is **DISMISSED**.

Any questions concerning this decision should be referred to Supervisory Patent Examiner (SPE) S. Joseph Morano, at (571) 272-6684.

S. Joseph Morano
Supervisory Patent Examiner, AU 3617
(571) 272-6684

SJM: 1/11/2012

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.
12/924,198	09/23/2010	Robert Glassheim	930-002	6657

1026 7590 05/24/2011
CLIFFORD G. FRAYNE
136 DRUM POINT RD
SUITE 7A
BRICK, NJ 08723

EXAMINER
UPTON, CHRISTOPHER

ART UNIT	PAPER NUMBER
1778	

MAIL DATE	DELIVERY MODE
05/24/2011	PAPER

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

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

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MAY 24 2011

CST

In re application of Robert Glassheim Serial No. 12/924,198 Filed: September 23, 2010 For: SILT AND DEBRIS FILTERING SYSTEM FOR STORM DRAINS	: : : : : : :	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on May 9, 2011 to make the above-identified application special based on materially enhancing the environment.

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

REGULATION AND PRACTICE

Pursuant to the "Changes 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), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection V (environment) was required to be filed prior to August 25, 2006.

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

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

Application No. 12/924,198

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application was not filed electronically.

Furthermore, the petition to make special was not filed on the same day as the application. Note that this application was filed on September 23, 2010, while the petition to make special was filed on May 9, 2011. Note MPEP 708.02(a), section I (A).

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

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

/ 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
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RYAN KROMHOLZ & MANION SC
POST OFFICE BOX 26618
MILWAUKEE WI 53226

MAILED
SEP 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Machold, et al.	:	
Application No. 12/924,219	:	ON PETITION
Filed: September 23, 2010	:	
Attorney Docket No. 9542.18725-B	:	
CIP CON 2		

This is a decision on the petition to revive under 37 CFR 1.137(b), filed September 6, 2011.

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

The above application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed March 2, 2011. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on June 3, 2011.

With the instant petition, applicants made the proper statement of unintentional delay, paid the petition fee, and filed an Amendment.

The application is being forwarded to Group Art Unit 3738 for consideration of the Amendment, filed September 6, 2011.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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September 18, 2011

Georgia-Pacific LLC
133 Peachtree Street NE - GA030-41
ATLANTA GA 30303

In re Application of	:	
Steven L. Edwards et al.	:	**DECISION ON PETITION**
Application No. 12924233	:	
Filed: 09/23/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **20179 D2D1 (GP-06-11 D3)**	:	***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) September 23, 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, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. 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.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/924,318	09/24/2010	Takayuki Kato	13281/74	2889

26646 7590 07/19/2011
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER
LEUBECKER, JOHN P

ART UNIT	PAPER NUMBER
3779	

MAIL DATE	DELIVERY MODE
07/19/2011	PAPER

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

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

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of: KATO, TAKAYUKI Serial No.: 12/924318 Filed: September 24, 2010 Attorney Docket No. : 13281/74 Title: ENDOSCOPE	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 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 corresponding application(s) filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BRADLEY P. HEISLER
HEISLER & ASSOCIATES
3017 DOUGLAS BOULEVARD, SUTIE 300
ROSEVILLE CA 95661

MAILED

JUN 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Lenney et al.	:	DECISION ON PETITION
Application No. 12/924,326	:	TO WITHDRAW
Filed: September 23, 2010	:	FROM RECORD
Attorney Docket No. 09081.001	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 19, 2011.

The request is **NOT APPROVED**.

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

The request was signed by Bradley P. Heisler on behalf of all attorneys of record, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

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

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 22 2011

OFFICE OF PETITIONS

In re Application of
Lenney et al.
Application No. 12/924,326
Filed: September 23, 2010
Attorney Docket No. 09081.001

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 20, 2011.

The request is **APPROVED**.

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

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

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

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

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Bryan W. Kluttz, et al.	:	
Application No. 12/924,351	:	DECISION ON PETITION
Filed: September 24, 2010	:	
Attorney Docket No. 97-200-J13	:	

This is a decision on the petition under 37 CFR 1.182, filed, September 24, 2010, to change the name of inventor "Cecile Jaravel" to – Cecile Paris --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to Terri Johnson at (571) 272-2991. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1775 for appropriate processing in due course.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/924,351	09/24/2010	1775	1090	97-200-J13	20	2

CONFIRMATION NO. 7789

CORRECTED FILING RECEIPT

20306
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

OC000000044059509

Date Mailed: 10/19/2010

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

Applicant(s)

Bryan W. Kluttz, Norwell, MA;
Geoff A. McKinley, Duxbury, MA;
Fabio Gennari, Florence, ITALY;
Michel Guy, Scituate, MA;
Christopher Cotter, Charlestown, MA;
Luigi Catanzariti, Duxbury, MA;
Louis Graziano, Rockland, MA;
Bruno Colin, Marcy L'Etoile, FRANCE;
Cecile Paris, Lyon, FRANCE;
Jacques Dachaud, Besancon, FRANCE;

Assignment For Published Patent Application

bioMerieux, Inc., Durham, NC

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 11/438,938 05/22/2006 PAT 7,807,449
which is a CON of 11/180,806 07/12/2005 PAT 7,214,529
which is a CON of 10/141,049 05/07/2002 PAT 6,949,376
which is a DIV of 09/420,140 10/18/1999 PAT 6,429,007
which is a CIP of 09/053,823 04/02/1998 PAT 5,989,499
which is a CIP of 08/850,207 05/02/1997 PAT 5,786,182

Foreign Applications

If Required, Foreign Filing License Granted: 10/14/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/924,351**

Projected Publication Date: 01/27/2011

Non-Publication Request: No

Early Publication Request: No
Title

Nucleic acid amplification reaction station for disposable test devices

Preliminary Class

435

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

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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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MAILED

OCT 12 2010

OFFICE OF PETITIONS

SASTRY K. GANTI
1074 CROFTON LANE
BUFFALO GROVE IL 60089-4114

In re Application of	:	
Sastry K. GANTI	:	
Application No. 12/924,366	:	DECISION ON PETITION
Filed: September 27, 2012	:	TO MAKE SPECIAL UNDER
Attorney Docket No. BLBT-GANTI	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

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

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

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

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

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

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SASTRY K. GANTI
1074 CROFTON LANE
BUFFALO GROVE IL 60089-4114

MAILED

OCT 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Sastry K. GANTI	:	
Application No. 12/924,367	:	DECISION ON PETITION
Filed: September 27, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PPFP-GANTI	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735. All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICHAEL A. SHARIFF, ESQ.
INVENTA CAPITAL, PLC
1010 PARKWAY TRAIL
BLOOMFIELD HILLS MI 48302

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Khananayev, Vladimir	:	
Application No. 12/924,442	:	ON PETITION
Filed: September 27, 2010	:	
Attorney Docket No. 060026-0001	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 6, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Robert A. Briganti
675 Benvenue Ave.
Los Altos CA 94024

MAILED

AUG 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert A. Briganti	:	
Application No. 12/924,443	:	DECISION ON PETITION
Filed: September 27, 2010	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed October 20, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 21, 2010. A Notice of Abandonment was mailed June 29, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form a $65 surcharge fee and $270 search, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the fees are accepted as being unintentionally delayed.

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received July 25, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Application Number	12924477
Filing Date	28-Sep-2010
First Named Inventor	Pengchong Li
Attorney Docket Number	133-1
Title	Foldable vehicle shading umbrella

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; and
(4) Statement that the entire delay was unintentional

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.

2. Reply and/or fee

- ○ I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on
- ◉ Amendment and response are attached

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
- ○ RCE Request, Submission, and Fee are attached

Notice of Appeal

○ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

○ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ 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	/Ivan Posey/
Name	Ivan Posey
Registration Number	43865

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date April 6, 2012

In re Application of Pengchong Li

Application No. 12924477

Filed: 28-Sep-2010

Attorney Docket No. 133-1

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), April 6, 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 outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

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 aresponse; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response 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 Technology Center.

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

MALCOLM QUENTIN
1934 LA BELLEZZA GROVE
COLORADO SPRINGS CO 80919

MAILED

JUL 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Malcolm Charles Quentin	:	
Application No. 12/924,508	:	DECISION ON PETITION
Filed: February 12, 2010	:	
Title: Pistachio Nut Opener	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed October 14, 2010, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 15, 2010. A Notice of Abandonment was mailed on May 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings, the $65.00 Surcharge fee, the $270.00 Search fee, and the $110.00 Examination fee (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614

MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Application of	:	
Hen et al.	:	
Application No. 12/924,547	:	ON PETITION
Filed: September 29, 2010		
Attorney Docket No. BLF.100XCD1	:	
	:	

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

The petition is **GRANTED**.

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

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

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

This matter is being referred to the Technology Center Art Unit 1617 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Timothy J. Bechen
c/o Wiliams Mullen
200 South 10th St., Suite 1600
Richmond, VA 23219

MAILED

AUG 25 2011

OFFICE OF PETITIONS

In re Application of :
Richard W. Bland et al. :
Application No. 12/924,570 : PETITION DECISION
Filed: September 30, 2010 :
Attorney Docket No. 01867.8006US02 :

This is a decision on the Petition Under 37 CFR 1.36(a) and/or 1.83, filed August 4, 2011, which is being treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.32(b)(4) giving power of attorney in an application signed by less than all the applicants.

The petition is **GRANTED.**

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the statutes may be suspended or waived by the Commissioner. A petition filed under 37 CFR 1.183 requires a petition fee set forth in § 1.17(f) which is currently $400.

MPEP 402.10 states in part:

> **402.10 [R-5] Appointment/Revocation by Less Than All Applicants or Owners**
>
> Papers giving or revoking a power of attorney in an application generally require signature by all the applicants or owners of the application. Papers revoking a power of attorney in an application (or giving a power of attorney) will not be accepted by the Office when signed by less than all of the applicants or owners of the application unless they are accompanied by a petition under 37 CFR 1.36(a) and fee under 37 CFR 1.17(*>f<) with a showing of sufficient cause (if revocation), or a petition under 37 CFR 1.183 and fee under 37 CFR 1.17(f) (if appointment) demonstrating the extraordinary situation where justice requires waiver of the requirement of 37 CFR 1.32(b)(4) that the applicant, or the assignee of the entire interest of the applicant sign the power of attorney. The petition should be directed to the Office of Petitions. The acceptance of such papers by petition under 37 CFR 1.36(a) or 1.183 will result in more than one attorney, agent, applicant, or owner prosecuting the application at the same time. Therefore, each of these parties must sign all subsequent replies submitted to the Office. *See In re Goldstein*, 16 USPQ2d 1963 (Dep. Assist. Comm'r Pat. 1988). In an application filed under 37 CFR

> 1.47(a), an assignee of the entire interest of the available inventors (i.e., the applicant) who have signed the declaration may appoint or revoke a power of attorney without a petition under 37 CFR 1.36(a) or 1.183. See MPEP § 402.07. However, in applications accepted under 37 CFR 1.47, such a petition under 37 CFR 1.36(a) or 1.183 submitted by a previously nonsigning inventor who has now joined in the application will not be granted. See MPEP § 409.03(i). Upon accepting papers appointing and/or revoking a power of attorney that are signed by less than all of the applicants or owners, the Office will indicate to applicants who must sign subsequent replies. Dual correspondence will still not be permitted. Accordingly, when the acceptance of such papers results in an attorney or agent and at least one applicant or owner prosecuting the application, correspondence will be mailed to the attorney or agent. When the acceptance of such papers results in more than one attorney or agent prosecuting the application, the correspondence address will continue to be that of the attorney or agent first named in the application, unless all parties agree to a different correspondence address. Each attorney or agent signing subsequent papers must indicate whom he or she represents.

The instant application has five co-inventors. Four of the co-inventors assigned their rights to the Ross Technology Corporation (Ross) and the fifth inventor, Bland, has not assigned his rights. The petition requests the appointment of the practitioners of Perkins Coie LLP (Perkins) so that Perkins along with the originally named practitioners of Williams Mullen (Williams) may jointly prosecute the instant application. Petitioner indicates that the originally named patent attorneys now represent only one of the five co-inventors, Bland, and the addition of Perkins provides proper representation of the assignee, Ross. For the reasons presented, the petition is granted.

The originally named attorney was Williams and the address of record will continue to be the correspondence address set forth in the Declaration filed September 30, 2010. Perkins and Williams are reminded of the fact that both firms must sign all replies.

The Notice of Acceptance of Power of Attorney and Notice Regarding Change of Power of Attorney, mailed August 18, 2011, were mailed in error as they improperly removed the power of attorney to Williams and gives the wrong correspondence address. These notices are vacated.

Telephone inquiries concerning this matter should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

Cc: Perkins Coie LLP
700 Thirteenth Street, NW
Suite 600
Washington DC 20005-3960

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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James R. Buck
8550 Hunters Creek Drive North
Jacksonville, FL 32256

MAILED
APR 27 2011
OFFICE OF PETITIONS

In re Application of :
Buck and White :
Application No. 12/924,578 :
Filed: September 30, 2010 : Letter
Attorney Docket No. Z0017.10U1 :
For: Apparatus Having Paired Lifting :
Members for Separating Stacked Pallets :

Mr. Buck:

You are named as a joint inventor in the above identified United States patent application.

Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you, or a registered patent attorney or agent on your behalf, have the right to obtain copies of any papers in the file wrapper. 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).

General requests for information regarding the application should be directed to the File Information Unit at (703) 308-2733.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

cc: ROGERS TOWERS, P.A.
SUITE 1500
1301 RIVERPLACE BOULEVARD
JACKSONVILLE, FL 32207

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROGERS TOWERS, P.A.
SUITE 1500
1301 RIVERPLACE BOULEVARD
JACKSONVILLE, FL 32207

MAILED
APR 27 2011
OFFICE OF PETITIONS

In re Application of	:	
Buck and White	:	
Application No. 12/924,601	:	Decision According Status
Filed: September 30, 2010	:	Under 37 CFR 1.47(a)
Attorney Docket No. Z0017.10U	:	
For: Apparatus for Separating Stacked	:	
Pallets	:	

This is a decision on the petition under 37 CFR 1.47(a) filed February 22, 2011.

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 47(a) status.

As provided in Rule 47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Patent Application Processing will be informed of the instant decision so that it may continue to prepare the application for examination.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RUSSO & DUCKWORTH , LLP
9090 IRVINE CENTER DRIVE , SECOND FLOOR
IRVINE CA 92618

MAILED
JUL 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Melissa France	:	
Application No. 12/924,604	:	DECISION ON PETITION
Filed: September 30, 2010	:	
Attorney Docket No. 865-P-3-USA	:	

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed October 18, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 21, 2010. A Notice of Abandonment was mailed on June 30, 2011.

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

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/924,607	09/30/2010	Kenji Sugawara	23342/85A 4349 PCT-Cont.	8905

73230 7590 05/10/2011
DLA PIPER US LLP
1999 AVENUE OF THE STARS
SUITE 400
LOS ANGELES, CA 90067-6023

EXAMINER
STONER, KILEY SHAWN

ART UNIT	PAPER NUMBER
1735	

NOTIFICATION DATE	DELIVERY MODE
05/10/2011	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):

laura.rivero@dlapiper.com
laccusptomail@dlapiper.com
cliff.keyner@dlapiper.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

MAY 10 2011

WG

In re application of	:	DECISION ON REQUEST TO
Kenji Sugawara et al.	:	PARTICIPATE IN PATENT
Serial No. 12/924,607	:	PROSECUTION HIGHWAY
Filed: September 30, 2010	:	PROGRAM AND
For: BONDING APPARATUS AND	:	PETITION TO MAKE
BONDING METHOD	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed March 7, 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

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.
12/924,607	09/30/2010	Kenji Sugawara	23342/85A 4349 PCT-Cont.	8905

73230 7590 05/17/2011
DLA PIPER US LLP
1999 AVENUE OF THE STARS
SUITE 400
LOS ANGELES, CA 90067-6023

EXAMINER
STONER, KILEY SHAWN

ART UNIT	PAPER NUMBER
1735	

NOTIFICATION DATE	DELIVERY MODE
05/17/2011	ELECTRONIC

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

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

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

laura.rivero@dlapiper.com
laccusptomail@dlapiper.com
cliff.keyner@dlapiper.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

May 16, 2011 BC

In re application of	:	DECISION ON REQUEST TO
Kenji Sugawara et al.	:	PARTICIPATE IN PATENT
Serial No. 12/924,607	:	PROSECUTION HIGHWAY
Filed: October 01, 2010	:	PROGRAM AND
Attorney Docket No.: 23342/85A 4349 PCT	:	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 March 07, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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.
12/924,765	10/05/2010	Zhang Song	P09404US01	7983

22885 7590 11/22/2011
MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

EXAMINER
DOLLINGER, TONIA LYNN MEONSKE

ART UNIT	PAPER NUMBER
2443	

NOTIFICATION DATE	DELIVERY MODE
11/22/2011	ELECTRONIC

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

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

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

patatty@ipmvs.com

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND- SUITE 3200
DES MOINES, IOWA 50309-2721

MAILED

NOV 21 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

In re Application of: ZHANG, SONG, et al.)
Application No.: **12/924765**)
Filed: 10/05/2010)
For: **HYBRID METHOD FOR 3D SHAPE MEASUREMENT**)

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(b) TO ACCEPT COLOR PHOTOGRAPHS AS DRAWINGS

This is a decision on the petition under 37 C.F.R.□ 1.84(B), filed October 5, 2010, requesting acceptance of color photographs as drawings

The petition is **GRANTED-IN-PART**.

REGULATIONS AND PRACTICE

37 C.F.R. § 1.84(b) states:

(1)*Black and white*. Photographs, including photocopies of photographs, are not ordinarily permitted in utility and design patent applications. The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed invention. For example, photographs or photomicrographs of: electrophoresis gels, blots (*e.g.*, immunological, western, Southern, and northern), auto-radiographs, cell cultures (stained and unstained), histological tissue cross sections (stained and unstained), animals, plants, in vivo imaging, thin layer chromatography plates, crystalline structures, and, in a design patent application, ornamental effects, are acceptable. If the subject matter of the application admits of illustration by a drawing, the examiner may require a drawing in place of the photograph. The photographs must be of sufficient quality so that all details in the photographs are reproducible in the printed patent.

(2)*Color photographs*. Color photographs will be accepted in utility and design patent applications if the conditions for accepting color drawings and black and white photographs have been satisfied. See paragraphs (a)(2) and (b)(1) of this section.

(a)(2) *Color.* On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

(i) The fee set forth in § 1.17(h);

(ii) Three (3) sets of color drawings;

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

> The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

OG Notice 1348 OG 389 (Nov 24, 2009) - Legal Framework for Electronic Filing System - Web (EFS-Web) (21Oct 2009) states:

> ...The requirement for three (3) sets of color drawings under 37 CFR 1.84(a)(2)(ii) is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of such color drawings is necessary when filing via EFS-Web.

DECISION

The petition, filed October 5, 2010 partially satisfies conditions (i)-(iii); condition (ii) is satisfied per OG Notice 1348 OG 389). Thus, the petition is **GRANTED-IN-PART**.

Numerous Figures appear to not be included in the petition but will be reviewed and decided on as if they were.

Figures that are **GRANTED** that are specifically stated in the petition are Figures 8, 9a,b, 13, 16, 23, 24 and 34. These Figures meet the criteria placed forth in 37 C.F.R. § 1.84(b)(1)(2) and a(2). The Figures would appear to be difficult to duplicate as a drawing that would sufficiently show the teachings stated in the specificat ion.

"The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed invention."

Figures that are **GRANTED** but not specifically stated in the petition but appear to photographs similar to the photographs granted above are Figures 5 – 7. These Figures meet the criteria placed forth in 37 C.F.R. § 1.84(b)(1)(2) and a(2). The Figures would appear to be difficult to duplicate as a drawing that would sufficiently show the teachings stated in the specification.

"The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed invention."

Figures that are **DISMISSED** that are specifically stated in the petition are Figures 4, 10 – 12, 20, 32, 33 and 35. These Figures fail to meet the criteria placed forth in 37 C.F.R. § 1.84(b)(1)(2) and a(2).

"The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed invention."

Many of these Figures could be larger to take up a page to see the details and the graphs could be larger and drawn similarly to Figure 4 to distinguish between the different wave forms.

Figures that are **DISMISSED** but not specifically stated in the petition but appear to photographs similar to the photographs dismissed above are Figures 21a-f, 22, 25-29 and 31. These Figures fail to meet the criteria placed forth in 37 C.F.R. § 1.84(b)(1)(2) and a(2).

"The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed invention."

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3912.

/David England/

David England
Primary Examiner, AU 2443
Technology Center 2400

/David England/

/Tonia L. M. Dollinger/

Tonia L. M. Dollinger
Supervisory Patent Examiner, AU 2443
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS IN 46204-2079

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Alyssa MARLENEE et al.	:	DECISION GRANTING STATUS
Application No. 12/924,774	:	UNDER 37 CFR 1.47(a)
Filed: October 05, 2010	:	
Attorney Docket No. CUPG-136	:	

This is in response to the petition under 37 CFR 1.47(a), filed May 23, 2011.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Daniel Woody cannot be located to join in the filing of the above-identified application.

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

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

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

Telephone inquiries regarding this decision should be directed to Paralegal Specialist, Michelle R. Eason at (571) 272-4231.

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

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DANIEL WOODY
2170 GOLFVIEW DRIVE
SUITE 202
TROY, MICHIGAN 48084

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Alyssa MARLENEE et al.	:	
Application No. 12/924,774	:	LETTER
Filed: October 05, 2010	:	
Attorney Docket No. CUPG-136		

Mr. Woody,

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

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

Telephone inquiries regarding this communication should be directed to Paralegal Specialist, Michelle R. Eason at (571) 272-4231. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Thurman K. Page
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 Tower Blvd.
Suite 1200
DURHAM NC 27707

MAILED
MAR 08 2012
OFFICE OF PETITIONS

In re Application of	:	
Smith et al.	:	
Application No. 12/924,823	:	ON PETITION
Filed: 10/06/2010	:	
Attorney Docket No. 180/276/2	:	

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2) for Acceptance of Color Drawings, filed in the United States Patent and Trademark Office (USPTO) on October 6, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

The petition is not accompanied by an amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings: The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners state that color drawings or photographs are required because the details of the figures cannot be adequately shown in black and white.

Petitioners' argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore dismissed.

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

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2873.

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

José G. Dees
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHEMIMAGE CORPORATION
7301 PENN AVENUE
PITTSBURGH PA 15208

MAILED
FEB 28 2012
OFFICE OF PETITIONS

In re Application of	:	**DECISION**
Treado, et al.	:	**ON PETITION**
Application No. 12/924,831	:	
Filed: October 6, 2010	:	**ACCEPTANCE OF**
Attorney Docket Number: CIM 031 US CIP 2	:	**COLOR DRAWINGS**

This is in response to the petition under 37 CFR 1.84(a)(2), filed October 6, 2010, for acceptance of color drawings.

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to Group Art Unit 2877 for examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/924,836	10/05/2010	Xiaoyan Sun	3382-85057-01	7252

26119 7590 11/08/2011
KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

EXAMINER
KELLEY, CHRISTOPHER S

ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
11/08/2011	ELECTRONIC

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

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

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

tanya.harding@klarquist.com
docketing@klarquist.com
valerie.sullivan@klarquist.com

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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NOV 07 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

In re Application of: SUN et al.)
Application No.: **12/924836**)
Filed: October 5, 2010)
For: **CONTENT ADAPTIVE DEBLOCKING DURING VIDEO ENCODING AND DECODING**)

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 October 5, 2010, requesting acceptance of color drawings

The petition is **DISMISSED**.

REGULATIONS AND PRACTICE

37 C.F.R. § 1.84(a)(2) states:

(2) *Color.* On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

(i) The fee set forth in § 1.17(h);

(ii) Three (3) sets of color drawings;

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

> The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

OG Notice 1348 OG 389 (Nov 24, 2009) - Legal Framework for Electronic Filing System - Web (EFS-Web) (21Oct 2009) states:

> ...The requirement for three (3) sets of color drawings under 37 CFR 1.84(a)(2)(ii) is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of such color drawings is necessary when filing via EFS-Web.

DECISION

The petition, filed October 5, 2010 does not satisfy condition (iii). Thus, the petition is **DISMISSED**.

Petitioner may submit a request for reconsideration within **TWO MONTHS** of the date of this decision. Any request for reconsideration should be complete, i.e., submission of an amendment which adds the notation above as the first paragraph to the brief description of the drawings.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-7418.

/Mehrdad Dastouri/

Mehrdad Dastouri
SPE, AU 2486
Technology Center 2400

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.
12/924,870	10/07/2010	Ming C. Hao	201000652-1	8604

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

EXAMINER

ART UNIT	PAPER NUMBER
2172	

NOTIFICATION DATE	DELIVERY MODE
01/06/2011	ELECTRONIC

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

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

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

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

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

In re Application of:
HAO, Ming et al.
Application No. 12/924,870
Filed: October 7, 2010
For: **VISUALIZING MOTIFS WITH VISUAL STRUCTURES**

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 October 7, 2010, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 2, 4, 6 and 7 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 2, 4, 6 and 7. Paragraph [0002] of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL J. COLITZ, JR.
640 DOUGLAS AVENUE
DUNEDIN FL 34698

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Holden Lee Stone	:	
Application No. 12/924,895	:	ON PETITION
Filed:October 7, 2010		
Attorney Docket No. SJ28/01	:	
	:	

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

The petition is **GRANTED**.

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

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

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

This matter is being referred to the Technology Center Art Unit 3637 for action on the merits commensurate with this decision.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of Jerry Rayborn, Sr., et al. Application No. 12/924,928 Filed: October 12, 2010 Attorney Docket No. P-308US	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 February 11, 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 declaration statement signed by applicant Jerry Rayborn, Sr. 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 forwarded to the Technology Center Art Unit 1765 for action on the merits commensurate with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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AUG 22 2011
OFFICE OF PETITIONS

X-PATENTS APC
5670 LA JOLLA BLVD
LA JOLLA CA 92037

In re Application of	:	
Justus	:	
Application No. 12/924,944	:	ON PETITION
Filed: October 8, 2010	:	
Attorney Docket No. Tomar-2	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed August 4, 2011.

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

The holding of abandonment is **WITHDRAWN**.

This application became abandoned by operation of law for failure to timely file a reply to the Notice to File Corrected Application Papers, mailed November 4, 2010. This Notice set an extendable period for reply of two months. No reply having been received, the application became abandoned on January 5, 2011. The Office mailed a Notice of Abandonment on July 19, 2011.

Petitioner contends that he did not receive the November 4, 2010 Notice to File Corrected Application Papers. In support thereof, petitioner has submitted a copy of a calendar (i.e. a master docket report), showing all of the firm's replies docketed for a due date of January 4, 2011. An entry for the instant application does not appear.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.[1] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[2] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[3]

Petitioner has met the above requirements. Accordingly, it is concluded that petitioner did not receive the November 4, 2010 Notice to File Corrected Application Papers

The application is being forwarded to the Office of Patent Application Processing for re-mailing of the November 4, 2010 Notice to File Corrected Application Papers, setting a new period for reply.

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] See MPEP 711.03(c)(II).

[2] Id.

[3] Id.

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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CLARK HILL, P.C.
500 WOODWARD AVENUE, SUITE 3500
DETROIT MI 48226

MAILED

FEB 10 2011

OFFICE OF PETITIONS

In re Application :
Gerald Y. Ruppert :
Application No. 12/924,950 : NOTICE
Filed: October 8, 2010 :
Attorney Docket No. 19350-130244 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 30, 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 **NOT ACCEPTED.**

The fee deficiency cannot be accepted because the notice was not properly signed. The petition was signed by Pamela M. Yott. The signing person is not an inventor in the case nor is a Statement under 37 CFR 3.73(b) present in the case authorizing this person to act on behalf of an assignee. See 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.

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

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

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

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

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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CLARK HILL, P.C.
500 WOODWARD AVENUE, SUITE 3500
DETROIT MI 48226

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application :
Gerald Y. Ruppert :
Application No. 12/924,950 : NOTICE
Filed: October 8, 2010 :
Attorney Docket No. 19350-130244 :

This is a notice regarding your renewed request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed February 23, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

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

This file is being forwarded to Technology Center 3634.

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

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions

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MAILED
FEB 17 2012
OFFICE OF PETITIONS

Robert J. Doherty, Esq
10 George St.
Barrington RI 02806

In re Application of:	:	
GLANVILLE Robert W.	:	DECISION ON PETITION
Application No.: 12/924,955	:	TO MAKE SPECIAL UNDER
Filing Date: October 8, 2010	:	37 CFR 1.102(c)(1)
Attorney Docket No.: G-7	:	

This is a decision on the petition to make special under 37 CFR 1.102(c)(1), filed February 3, 2012, 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. Applicant may also submit a statement from a registered practitioner that he or she has evidence that the applicant is 65 years of age or older. No fee is required

The instant petition includes a statement from a registered practitioner certifying that he is in possession of evidence that the applicant, Robert W. Glanville, is 65 years of age or older as required under MPEP § 708.02. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at (571) 272-5338.

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

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK, CA 91754

MAILED

FEB 01 2012

OFFICE OF PETITIONS

In re Application of Edward Liu :
Application No. 12/924,962 :
Filing Date: October 8, 2010 :
Attorney Docket No. USDP4593A-C13 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b) filed December 2, 2011, which requests revival of the application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 2, 2011, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on March 3, 2012. The Office mailed a Notice of Abandonment on September 29, 2011.

The instant petition requests revival of the application.

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

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee, and
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.[1]

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied (1) a reply in the form of an amendment, (2) the required petition fee of $930, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

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

Technology Center Art Unit 3636 will be informed of the instant decision and the application will be further examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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KENNETH WATOV, ESQ.
WATOV & KIPNES, P.C.
P.O. BOX 247
PRINCETON JUNCTION NJ 08550

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Romerein et al.	:	
Application No. 12/924,980	:	ON PETITION
Filed: October 8, 2010	:	
Attorney Docket No. 12121037DIV	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 8, 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 Jay F. Shapson's attorney, attesting to the applicant being 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 3632 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

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APR 11 2011

OFFICE OF PETITIONS

Robin D. Andrews
23 Anson Street
Charleston SC 29401

In re Application of	:	
Robin D. Andrews	:	
Application No. 12/925,051	:	DECISION ON PETITION
Filed: October 14, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 11, 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 3633 for action on the merits commensurate with this decision.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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BIB DATA SHEET

CONFIRMATION NO. 1361

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/925,111	10/14/2010 **RULE**	037	3671	THOM1-PAT-UT01

APPLICANTS
Charles A. Thomas, Tijeras, NM;

**** CONTINUING DATA ***************************
This application is a CIP of 12/380,600 02/27/2009
which claims benefit of 61/067,439 02/28/2008

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **** ** SMALL ENTITY **
11/01/2010

Foreign Priority claimed	☐ Yes ☑ No		STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119(a-d) conditions met	☐ Yes ☑ No	☐ Met after Allowance				
Verified and Acknowledged	/THOMAS A BEACH/ Examiner's Signature	Initials	NM	9	4	2

ADDRESS

LAW OFFICE OF ROD D. BAKER
707 STATE HIGHWAY 333
SUITE B
TIJERAS, NM 87059-7382
UNITED STATES

TITLE

Snowplow for use with a motorized wheelchair

FILING FEE RECEIVED		
545	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/925,144	10/14/2010	Philip Ralph Belpasso	B050-6710 (CON)	7054

7590 12/09/2011

Philip Ralph
40-09 Kuiken Terrace
Fair Lawn, NJ 07410

EXAMINER
CHRISTIANSEN, JANIE MEREDITH

ART UNIT	PAPER NUMBER
3751	

MAIL DATE	DELIVERY MODE
12/09/2011	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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Philip Ralph Belpasso
40-09 Kuiken Terrace
Fair Lawn NJ 07410

In re Application of:	:	
BELPASSO, PHILIP RALPH	:	
Serial No.: 12/925,144	:	
Filed: Oct. 14, 2010	:	DECISION ON PETITION
Docket: B050-6710 (CON)	:	
Title: AIR FLUSH SYSTEM	:	
	:	

This is a decision on the petition filed on November 17, 2011 seeking to review the examiner's Office actions and determine whether or not Wang patent qualifies as a prior art. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is **DISMISSED**.

The petition is being interpreted as a request for supervisory review of the examiner's examination of the application. A review of the application has been made in view of this petition. The review of the prosecution history does not show the examiner has acted in an arbitrary and capricious manner in the performance of his duties but performed within the duties of his oath of office in accordance with the applicable Federal statutes and regulations and USPTO policy. While a tone of frustration is apparent from the petition, applicant needs to realize that the examiner is required to operate within the bounds of established legal standards and precedence. In response to the petition, the examiner is hereby reminded to carefully consider all claim amendment and arguments presented by the applicant. Additionally, the examiner is further reminded and directed to fully explain why the claims are unpatentable.

In the petition, the issues presented by petitioner are clearly directed to the propriety of the examiner's rejection of claims 2-17 under various sections of applicable 35 USC § 112 and 103 and his response to the applicant's arguments. The question of whether the examiner has properly considered and interpreted certain claim limitations and the applicability of Wang patent publication in the rejection of claims under 35 USC § 112 and 103 is clearly an appealable issue under 37 CFR § 41.31(a) (1). In particular, the determination of whether the Wang patent publication is qualified as prior art against the claims at issue clearly lies within the jurisdiction

of the Board of Patent Appeals and Interference. According to 37 CFR § 1.181(a)(1)[1], it is clear that petitioner's arguments will not support the requested relief, because the relief requested is simply not the type of relief that can be obtained by petition. The propriety of claim interpretation and the applicability of prior art references in a rejection of a claim, ultimately, are to be determined by the Board of Patent Appeals and Interferences in accordance with 37 CFR § 1.181(a) (1). The applicant has the right to appeal the rejection of the claimed invention in accordance with 37 CFR § 41.31 if he/she disagrees with the stated position of the examiner. Since the application is under final rejection, the application is being returned to the examiner for further processing in view of the RCE filed on November 30, 2011.

Conclusion

For the reasons outlined above, the Office actions mailed on August 30, 2011 and November 7, 2011 are proper in accordance with proper Office procedure. The issues raised by petitioner are appealable issues and will not be decided by petition. Accordingly, the Office actions mailed are proper and stand.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3751 for preparation of an Office action on the RCE filed November 30, 2011. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

The petition is DISMISSED.

Donald F. Hajec, Director
Technology Center 3700

[1] 37 CFR § 1.181(a) (1) states: Petition may be taken to the Director: (1) From any action or requirement of any examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court.

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ADAMS & WILKS
17 BATTERY PLACE
SUITE 1231
NEW YORK, NY 10004

MAILED
DEC 22 2011
OFFICE OF PETITIONS

In re Application of
Philip Ralph Belpasso
Application No. 12/925,144
Filed: October 14, 2010
Attorney Docket No. B050-6710 (CON)

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 November 28, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Adams & Wilks has been revoked by the applicant of the patent application on November 17, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/925,145	10/14/2010	Pinhas Ben-Tzvi		7537

7590 02/16/2011

Pinhas Ben-Tzvi
1 Simms Court
Kensington, MD 20895

EXAMINER

ART UNIT	PAPER NUMBER
3611	

MAIL DATE	DELIVERY MODE
02/16/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DIW Apr-12

CarboDesign LLC
4232 Balmoral Way
Sarasota FL 34238

MAILED

APR 10 2012

OFFICE OF PETITIONS

In re Application of	:	
Milan Soukup	:	
Application No. 12/925,151	:	ON PETITION
Filed: 10/15/2010	:	
For: PROCESS FOR	:	
ENANTIOMERICALLY PURE 8-	:	
ARYLOCTANOIC ACIDS AS ALISKIREN	:	

This is a decision on the petition filed on March 19, 2012, under 37 CFR 1.137(a), 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(a)." or " Petition under 37 CFR 1.137(b)." This is not a final agency decision.

The application became abandoned on December 7, 2011, for failure to file a timely response to the non-final Office action mailed on September 6, 2011, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on March 13, 2012.

A grantable petition under 37 CFR 1.137(a) 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. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In

an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Petitioner asserts, in essence, that he agreed with all of the examiner's statements in the Office action mailed on September 6, 2011, and assumed that no reply was necessary to continue prosecution.

The petition lacks item (3).

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable".[1] 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.[2]

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[1] 35 U.S.C. § 133.

[2] 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

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[3] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[4]

37 CFR 1.135(a) states that if an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise. It is undisputed that applicant did not file a timely reply to the Office action mailed on September 6, 2011.

The Office action mailed on September 6, 2011, stated that a shortened statutory period for reply is set to expire 3 months or thirty (30) days, whichever is longer, from the mailing date of this communication. Further, Page 2 of the Detailed Action states that applicant's election with traverse of Group IX in the reply filed on June 9, 2011, is acknowledged, but that the traversal is not persuasive, and that the requirement is still deemed proper and therefore made final. Furthermore, the Office action noted that Claims 1-11, 19, and 20 were withdrawn from further consideration. As such, a reply addressing the issues raised Office action was required. Nowhere in the Office action is it stated that the applicant was not required to timely file a response to the outstanding Office action.

Rather than unavoidable delay, the showing is that there was a lack of understanding on the part of the petitioner as to what action was needed to prosecute the application. While such a lack of understanding is unfortunate, it does not constitute unavoidable delay.

As MPEP 711.03(c) states, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (A)

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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).

[3] See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

[4] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

the applicants' reliance upon oral advice from USPTO employees; or (B) the USPTO's failure to advise the applicants of any deficiency in sufficient time to permit the applicant to take corrective action.[5]

As the showing of record is insufficient to satisfy the requirements of a grantable petition under 37 CFR 1.137(a), the petition will be dismissed.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 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. In a nonprovisional utility or plant application filed on or after 8 June, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(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. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that

---

[5] See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's convenience.

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

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

By FAX: (571)272-8300
Attn: Office of Petitions

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

A reply may also be filed via the EFS-Web filing system of the USPTO.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/64
Privacy Act Statement

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
AUG 01 2011
OFFICE OF PETITIONS

In re Application of :
Masayuki KATAYANAGI, et *al.* :
Application No. 12/925,161 : DECISION GRANTING PETITION
Filed: October 14, 2010 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **KATAYANAGI ET AL - 5** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 1, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 27, 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 2839 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Meroni & Meroni, P.C.
P.O. Box 309
Barrington IL 60011

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Steven P. Porter	:	
Application No. 12/925,178	:	DECISION ON PETITION
Filed: October 12, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 10094	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 8, 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 declaration by inventor Steven P. Porter 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 3725 for action on the merits commensurate with this decision.

/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
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.
12/925,217	10/14/2010	Timothy A. Bekkedahl	C-2370D	1631

7590 11/28/2011

M. P. Williams
210 Main Street
Manchester, CT 06042

EXAMINER
CONLEY, OI K

ART UNIT	PAPER NUMBER
1726	

MAIL DATE	DELIVERY MODE
11/28/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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wk

Mailed: 11/28/2011

In re application of	:	
Bekkedahl et al.	:	DECISION ON
Serial No. 12/925,217	:	PETITION
Filed: October 14, 2010	:	
For: **FUEL CELL HAVING A HYDROPHILIC SUBSTRATE LAYER**		

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on September 29, 2011 to withdraw the Finality of the Office Action mailed July 6, 2011.

DECISION

Rule 1.181, Section (f) states:
§ 1.181 Petition to the Commissioner.

(f) Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable

Accordingly, the instant petition is **DISMISSED.**

/W. GARY JONES/
Director, Technology Center 1700
Chemical and Materials Engineering

M. P. Williams
210 Main Street
Manchester CT 06042

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALFRED M. WALKER
225 OLD COUNTRY ROAD
MELVILLE NY 11747-2712

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Charles W. Darling III	:	
Application No. 12/925,227	:	DECISION ON PETITION
Filed: October 15, 2010	:	
Attorney Docket No. 100906 Darling BIN DIV CO	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed November 8, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 9, 2011. The Notice of Abandonment was mailed on July 27, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $810, (3) a proper statement of unintentional delay. Accordingly the replacement drawings are accepted as being unintentionally delayed.

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the replies received August 9, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

William F. Barrett
Apt. 521
25 Washington Lane
Wyncote PA 19095

MAILED
FEB 17 2012
OFFICE OF PETITIONS

In re Application of :
William F. Barrett :
Application No. 12/925,300 : DECISION ON PETITION
Filed: October 19, 2010 : TO MAKE SPECIAL UNDER
: 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 20, 2012, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SASTRY K. GANTI
1074 CROFTON LANE
BUFFALO GROVE, IL 60089-4114

MAILED

NOV 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Sastry Ganti	:	
Application No. 12/925,346	:	ON PETITION
Filing: October 21, 2010	:	
Attorney Docket No. QCDAT-GANTI	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 21, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

This matter is being referred to the Technology Center Art Unit 3644 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.g

BRIAN KLAWINSKI
5338A DARLING STREET
HOUSTON, TX 77007

MAILED
SEP 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Earl Eugene Swartzlander Jr.	:	
Application No. 12/925,352	:	DECISION ON PETITION
Filed: October 20, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 2010-Swartzlander-001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 2, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from a registered practitioner that he has evidence that inventor Earl Eugene Swartzlander, Jr. is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The matter is being referred to the Technology Center Art Unit 2193 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE LAW OFFICE OF
ANTHONY M. PALAZZOLO JR.
285 PENDLETON HILL ROAD
NORTH STONINGTON CT 06359

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Peter GEFTER, et al	:	
Application No. 12/925,360	:	DECISION ON PETITION
Filed: October 20, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ION/112/US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by Applicant Peter Gefter. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries should be directed to the Office of Data Management at 571-272-4000.

This application is being referred to the Office of Data Management for further processing. This application will be accorded "special" status when pre-examination processing is done.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/925,388	10/20/2010	Tatsunari Mii	23327/85A 4261 DIV	7006

7590 03/01/2011
Quinn Emanuel Urquhart & Sullivan, LLP.
Koda/Androlia
10th Floor
865 S. Figueroa Street,
Los Angeles, CA 90017

EXAMINER
IDA, GEOFFREY H

ART UNIT	PAPER NUMBER
2892	

MAIL DATE	DELIVERY MODE
03/01/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Quinn Emanuel Urquhart & Sullivan, LLP.
Koda/Androlia
10th Floor
865 S. Figueroa Street,
Los Angeles CA 90017

In re Application of	**: DECISION ON REQUEST TO**
MII et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/925,388	**: PROSECUTION HIGHWAY**
Filed: 20 October 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 23327/85A 4261 DIV	**: TO MAKE SPECIAL UNDER**
For: SEMICONDUCTOR DEVICE	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 25 January 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO TX 75024

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of :
Sagar B. Gadewar :
Application No. 12/925,460 :
Filed: October 20, 2010 :
Attorney Docket No. GADE.02.03 (4392-00100) :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed November 10, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. A five month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and declaration, (2) the petition fee of $930, and (3) a proper statement of unintentional delay. Accordingly the oath and declaration is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received October 12, 2011. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LARRY J. GUFFEY
WORLD TRADE CENER - SUITE 1800
401 EAST PRATT STREET
BALTIMORE MD 21202

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of	:	
John S. Anderson	:	
Application No. 12/925,468	:	DECISION ON PETITION
Filed: October 21, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ANDRS1cip	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 21, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3633 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TED M. ANTHONY
BABINEAUX, POCHE, ANTHONY & SLAVICH, L.L.C
P.O. DRAWER 52169
LAFAYETTE LA 70505-2169

MAILED

NOV 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Case et al.	:	
Application No. 12/925,485	:	ON PETITION
Filed: October 22, 2010	:	
Attorney Docket No. 2976.2117	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 22, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant's attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2833 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CANTOR COLBURN LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD CT 06103

MAILED

JAN 30 2012

OFFICE OF PETITIONS

In re Application of	:	
ELIAS, Ilan	:	
Application No. 12/925,490	:	DECISION ON PETITION
Filed: October 23, 2010	:	TO WITHDRAW
Attorney Docket No. **ELS0001US/C**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 29, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Chad A. Dever on behalf of all attorneys of record who are associated with customer No. 23413. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Ilan Elias, at the address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

/Michelle R. Eason/
Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ILAN ELIAS, M.D.**
DILLENBURGERSTRASSEE 29A
FRANKFURT, AM MAIN 60439
GERMANY

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

Francis Law Group
1942 Emabarcadero
Oakland, CA 94606

MAILED

FEB 16 2011

OFFICE OF PETITIONS

In re Application of :

Gholam Peyman :
Application No. 12/925,518 :DECISION ON PETITION
Filed: October 22, 2010 :TO MAKE SPECIAL UNDER
Attorney Docket No. EP-02-012U : 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 6, 2010, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from attorney Ralph C. Francis[1] that the sole inventor is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to the Office of Patent Application Processing at (571) 272-4000.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Ralph C. Francis appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE LAW OFFICE OF ANTHONY M. PALAZZOLO JR.
285 PENDLETON HILL ROAD
NORTH STONINGTON CT 06359

MAILED
NOV 18 2010
OFFICE OF PETITIONS

In re Application of	:	
Gefter et al.	:	
Application No. 12/925,519	:	ON PETITION
Filed: October 22, 2010		
Attorney Docket No. ION/113/US	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 22, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant's attorney that applicant is 65 years of age and a Declaration from applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Fred Franklin Penrod
25241 Golf Lake Circle
Bonita Springs FL 34135

MAILED

NOV 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Fred Franklin Penrod	:	
Application No. 12/925,537	:	DECISION ON PETITION
Filed: October 25, 2010	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 25, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
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	12925553
Filing Date	25-Oct-2010
First Named Inventor	Zsuzsanna Juhasz
Art Unit	3773
Examiner Name	CORRINE MCDERMOTT
Attorney Docket Number	TX-10010
Title	Acellular dermal surgical sutura

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 92159

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to:
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 92159

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Frank Laczko/
Name	Frank Laczko
Registration Number	65081

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : January 21, 2012

In re Application of :

Zsuzsanna Juhasz

Application No : 12925553

Filed : 25-Oct-2010

Attorney Docket No : TX-10010

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 21, 2012

The request is **APPROVED**

The request was signed by Frank Laczko (registration no. 65081) on behalf of all attorneys/agents associated with Customer Number 92159 . All attorneys/agents associated with Customer Number 92159 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 92159 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT L. McDOWELL
1170 JACKSON HEIGHTS DR
WEBSTER NY 14580-9367

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Eugene A. Larson, et al.	:	
Application No. 12/925,611	:	DECISION ON PETITION
Filed: October 26, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **SNRM-04-US**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 13, 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 a registered attorney. 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 3737 for action on the merits commensurate with this decision.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THOMAS J. SABISTON, JR.
PATRICIA G. SABISTON
4412 FLETCHER STREET
PANAMA CITY FL 32405

MAILED

DEC 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Thomas Joseph Sabiston, Jr.	:	
Application No. 12/925,667	:	ON PETITION
Filed: October 27, 2010		
Title: Shape Modification Of Absorbent	:	
Portion And Crotch Area Of Adult Male	:	
Disposable Undergarments To Improve		
Comfort In Adult Males Suffering Only Minor		
Incontinence While Reducing Cost To		
Manufacture		

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 27, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KEVIN WILENSTEIN
BUILDING 4
9400 HOLLY AVENUE NE
ALBUQUERQUE, NM 87122

MAILED

DEC 30 2010

OFFICE OF PETITIONS

In re Application of :
Johnson et al. :
Application No. 12/925,801 :
Filed: October 29, 2010 :
Attorney Docket No. RCG001 :

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 29, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that the applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3677 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael M. Gerardi
28876 Woodcrest Lake Drive
Menifee, CA 92584

COPY MAILED

DEC 1 5 2006

OFFICE OF PETITIONS

In re Application of:	:	
Piccionelli et al.	:	
Application No. 11/140,598	:	DECISION GRANTING
Filing or 371(c) Date: 05/26/2005	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
RECORD-KEEPING SYSTEM FOR	:	
TRANSMISSION AND PRODUCTION	:	
OF CONTENT	:	

This is in response to a Request for Reconsideration of Petition Under 37 CFR 1.47(a), filed September 11, 2006, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Dwight J. Batts, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Initial Patent Examination for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
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.
12/925,879	11/01/2010	Hiroshi Sakai	4041J-001733/US	7081

7590 06/15/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
06/15/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

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SEP 28 2011

OFFICE OF PETITIONS

FLYNN, THIEL, BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

In re Application of	:	
Jason HALL et al.	:	ON PETITION
Application No. 12/925,889	:	
Filed: November 1, 2010	:	
Atty. Docket No.: 2000.P0448US		

This is in response to the petition under 37 CFR 1.47(a), filed September 13, 2011.

The petition is **DISMISSED.**

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION**. Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires:

> (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);
> (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
> (3) the petition fee; and
> (4) a statement of the last known address of the non-signing inventor.

The instant petition lacks items (1).

Item (1) requires that a "diligent effort" has been expended in attempting to find or reach the non-signing inventor (35 U.S.C. § 116) (*see also*, MPEP 409.03(a)). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Simon DeSanta. Petitioner fails to show that Mr. DeSanta was not available via online searching. Additional evidence should include whether petitioner has access to the inventor's personnel record, and, if so, what does

inspection of the record reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to the non-signing inventor's address, return receipts requested, along with a cover letter of instructions which includes a deadline. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort. The statements of facts must be signed, where at possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 application that an omitted inventor's conduct constitutes a refusal, all facts upon which that a conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

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 relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

for Ramesh Krishnamurthy

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

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NOV 21 2011

OFFICE OF PETITIONS

FLYNN, THIEL, BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

In re Application of :
Jason HALL et al. : ON PETITION
Application No. 12/925,889 :
Filed: November 1, 2010 :
Atty. Docket No.: 2000.P0448US

Papers filed on November 4, 2011 in response to a decision refusing status under 37 CFR 1.47(a) mailed September 28, 2011, included a Declaration signed by the previously non-signing inventor, Simon DeSanta, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Office of Patent Application Processing.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

APR 25 2011

OFFICE OF PETITIONS

Paper No.

DON B. FINKELSTEIN, ESQ.
LAW OFFICES OF DON FINKELSTEIN
SUITE 216
3858 CARSON STREET
TORRANCE CA 90503

In re Application of	:	
Herzer et al.	:	
Application No. 12/925,893	:	DECISION ON PETITION
Filed: November 1, 2010	:	PURSUANT TO
Attorney Docket No.: PA6124	:	37 C.F.R. § 1.28(c)
Title: LPG FUELED INTERNAL	:	
COMBUSTION ENGINE POWERED	:	
DEVICES	:	

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on March 23, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 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 C.F.R. § 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.

37 C.F.R. § 1.28(c)(2)(ii) sets forth that the party submitting the deficient payment must include:

(a) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
(b) The small entity fee actually paid, and when;
(c) The deficiency owed amount (for each fee erroneously paid); and

(d) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Petitioner has identified the particular type of fees that were erroneously paid as a small entity, the small entity fees that were actually paid, and the deficiency owed amounts.

Petitioner has not identified either when the small entity fees were actually paid or the total deficiency payment owed.

The requirement that Petitioner must provide the Office with when the small entity fees were actually paid and the total deficiency payment owed is waived, *sua sponte*.

The deficiency payment in the amount of $545 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The Technology Center will be notified of this decision.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until

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1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Bernardo J. Herzer
10866 Washington Boulevard
Suite 501
Culver City, CA 90232

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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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

MAILED
JUN 28 2011
OFFICE OF PETITIONS

In re Application of :
Shinya Yamada et al :
Application No. 12/926,023 :
Filed: October 21, 2010 :
Attorney Docket No. LSN-160-638

ON PETITION

This is a decision on the petition, filed June 28, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 21, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2858 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

August 30, 2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
Sung-Il Cho et al.	:	**DECISION ON PETITION**
Application No. 12926042	:	
Filed: 10/22/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 2557SI-000593/US/DVA	:	***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) October 22, 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, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. 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.

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAWRENCE R. RADANOVIC PC
3565 BRANDYWINE STREET, N.W.
WASHINGTON DC 20008

MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Application of	:	
McCoy et al.	:	
Application No. 12/926,157	:	ON PETITION
Filed: October 28, 2010		
Title: Meta-Material Vibration Energy	:	
Harvester	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 28, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/926,160	10/28/2010	Takamichi Matsushita	CS-06-101028	8970

22712 7590 03/18/2011
PAUL A. GUSS
PAUL A. GUSS ATTORNEY AT LAW
1211 South Eads Street
No. 1502
ARLINGTON, VA 22202

EXAMINER
VO, HAI

ART UNIT	PAPER NUMBER
1788	

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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Commissioner for Patents
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CST

In re application of Takamichi Matsushita Serial No. 12/926,160 Filed: October 28, 2010 For: FOAMED PRODUCT AND MANUFACTURING METHOD OF THE SAME	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed January 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

MAILED
JAN 21 2011
OFFICE OF PETITIONS

In re Application:	:	
Shinsuke Harada	:	
Application No. 12/926,166	:	ON PETITION
Filed: October 29, 2010	:	
Attorney Docket No. 5 FPO-002	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 6, 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**.

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.

However, an itemization of the total deficiency payment is required by 37 CFR 1.28(c)(2)(ii). The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;
(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

If the requirements of 37 CFR 1.28(c)(2) are not complied with (i.e. not itemizing the total deficiency ,etc.), such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

Petitioner has not provided an itemization of the total deficiency payments of $545.00 therefore petitioner's deposit account has been charged the $130.00 processing fee as set forth in 37 CFR 1.17(i).

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED
JUN 28 2011
OFFICE OF PETITIONS

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
DORBES, HUE and BAZIN	:	DECISION REFUSING STATUS
Application No. 12/926,268	:	UNDER 37 CFR 1.47(a)
Filed: 11/05/2010	:	
Attorney Docket No. 29250P-000108/US/NP	:	
Title: METHOD AND DEVICE FOR	:	
RESOURCE MANAGEMENT AND	:	
RECORDING MEDIUM FOR SAID	:	
METHOD	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 15, 2011. Applicant obtained an extension of time for response within the fifth month. Accordingly, the petition is filed timely.

The petition is dismissed.

Applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a). No additional fee is required for filing a renewed petition under 37 CFR 1.47(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in

compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), applicant has failed to submit an oath or declaration in compliance with 37 CFR 1.63 and 1.64. The declaration is not acceptable because the changes made on the declaration by inventor Claire Bazin, a signing inventor, were not initialed and/or dated.[1]

Section 605.04(a) of the Manual of Patent Examining Procedure states that it is "improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the applicant." Furthermore, the Office "will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration." *Id.* Deficiencies or inaccuracies in an oath or declaration may be corrected by a supplemental oath, declaration[2] or an Application Data Sheet.

On renewed petition, applicant must identifying the entire inventive entity and correct the post office address, city, and zip code of inventor Bazin by submitting either a supplemental oath or declaration signed only by inventor Bazin, or an Application Data Sheet (ADS) pursuant 37 CFR 1.76, and **signed in compliance with 37 CFR 1.33(b).**[3]

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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[1] "Any interlineation, erasure, cancellation or other alteration of the application papers...should be dated and initialed or signed by the applicant on the same sheet of paper." 37 CFR 1.52(c)(1).

[2] "The supplemental oath or declaration must (1) identify the entire inventive entity, and (2) be signed . . . **by only those inventor(s) or applicants (37 CFR 1.42, 1.43, or 1.47) to whom the corrections relate.** See 37 CFR 1.67(a)." MPEP 603 (emphasis added).

[3] The Office notes that 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in an application must be signed by an appropriate party. Therefore, an ADS or a supplemental ADS submitted after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Applicant may also submit correspondence electronically to the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

MAILED

AUG 25 2011

OFFICE OF PETITIONS

In re Application of DORBES, HUE and BAZIN Application No. 12/926,268 Filed: 11/05/2010 Attorney Docket No. 29250P-000108/US/NP Title: METHOD AND DEVICE FOR RESOURCE MANAGEMENT AND RECORDING MEDIUM FOR SAID METHOD	:	DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed August 16, 2011.

Applicants have shown that the non-signing inventor has refused or cannot be located after diligent effort to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and are in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being referred to the Office of Patent Application Processing.

Inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Cyril Hue
12 avenue Bourgain
92130 ISSY LES MOULINEAUX
FRANCE

MAILED

AUG 25 2011

OFFICE OF PETITIONS

In re Application of
DORBES, HUE and BAZIN
Application No. 12/926,268
Filed: 11/05/2010
Attorney Docket No. 29250P-000108/US/NP
Title: METHOD AND DEVICE FOR RESOURCE MANAGEMENT AND RECORDING MEDIUM FOR SAID METHOD

LETTER

Dear Mr. Hue:

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.

Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

/SJ

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/926,276	Confirmation Number	5388	Filing Date	2010-11-05
Attorney Docket Number (optional)	040219.09	Art Unit	1657	Examiner	Saucier, Sandra E
First Named Inventor	Donald R. Owen				
Title of Invention	Apparatus and method for maintaining and/or restoring viability of organs				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Donald	R.	Owen	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Benjamin S. Prebyl/	Date (YYYY-MM-DD)	2011-06-10
Name	Benjamin S. Prebyl	Registration Number	60256

PTO/SB/130 (07-09)
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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In re Application of
Donald R. Owen

Application No. 12926276

Filed: November 5,2010

Attorney Docket No. 040219.09

: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 10-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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In re Application of
Donald R. Owen

Application No. 12926277

Filed: November 5,2010

Attorney Docket No. 040219.08

: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 10-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/926,277	Confirmation Number	2596	Filing Date	2010-11-05
Attorney Docket Number (optional)	040219.08	Art Unit	1775	Examiner	Beisner, William H
First Named Inventor	Donald R. Owen				
Title of Invention	Apparatus and method for maintaining and/or restoring viability of organs				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Donald	R.	Owen	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Benjamin S. Prebyl/	Date (YYYY-MM-DD)	2011-06-10
Name	Benjamin S. Prebyl	Registration Number	60256

PTO/SB/130 (07-09)
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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 contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

SEP 06 2011

OFFICE OF PETITIONS

In re Application of	:	
SHIM, et al	:	
Application No. 12/926,370	:	DECISION ON PETITION
Filed: November 12, 2010	:	
Attorney Docket No. 1911.1302	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed December 6, 2010. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 7, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquires should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred to the Office of Data Management for further pre-examination processing.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

SEP 16 2011

OFFICE OF PETITIONS

In re Application of :
Shin :
Application No. 12/926,373 : ON PETITION
Filed: November 12, 2010 :
Attorney Docket No. 1911.1299 :
For: METHOD AND APPARATUS FOR RENDERING THREE-DIMENSIONAL (3D) OBJECT

This is a decision on the petition under 37 CFR 1.137(b), filed August 22, 2011, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed December 7, 2010, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on February 8, 2011. A Notice of Abandonment was mailed on August 15, 2011.

Applicant has submitted a proper reply to the December 7, 2010 Notice in the form of an executed declaration and surcharge, an acceptable statement of the unintentional nature of the delay in responding to the December 7, 2010 Notice, and the $1,620.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HARNESS DICKEY & PIERCE PLC
PO BOX 8910
RESTON VA 20195

MAILED
FEB 02 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION
Choi, et al.	:	ON PETITION
Application No. 12/926,444	:	
Filed: November 18, 2010	:	
Attorney Docket Number: 2557-000799/US/COA	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed November 18, 2010, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings for Figures 27 - 31 are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2811.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

September 27, 2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
Yin, Huaxiang et, al	:	**DECISION ON PETITION**
Application No. 12/926,475	:	
Filed: 11/19/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No.2557SI-001135/US/OA	:	***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) November 19, 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, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of :
Seiji Goto, et al. :
Application No. 12/926,476 : NOTICE
Filed: November 19, 2010 :
Attorney Docket No. 2164.1002D :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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901 N. Glebe Road, 11th Floor
Arlington, VA 22203-1808

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
James Edward Myers, et al. :
Application Number: 12/926,498 : DECISION GRANTING PETITION
Filed: November 22, 2010 :
Attorney Docket Number: SCS- :
550-1321 :

This is a decision on the petition, filed on February 11, 2011, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application, including pages 1-3 of the specification, be accorded a filing date of November 22, 2010.

The application was filed on November 22, 2010.

On December 14, 2010, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application, stating, *inter alia*, pages 1-3 of the specification were missing.

On February 11, 2011, applicants submitted the statutory basic filing fee, search fee, examination fee, excessive claim fees, surcharge, replacement drawings, and an executed declaration under 37 CFR 1.63, accompanied by the present petition.

Petitioner argues that all the pages of specification were submitted on filing. In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp date of November 22, 2010. The postcard identifies the application by the inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, 49 Pages - Title Page, Specification, Claims & Abstract. Petitioner request that the application, including pages 1-3 of the specification, be accorded a filing date of November 22, 2010.

A review of the record reveals that forty-six (46) pages of specification, claims and abstract received on November 22, 2010, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on November 22, 2010, included pages 1-3 of the specification, which were subsequently misplaced in the Office.

application, including pages 1-3 of the specification, is entitled to a filing date of November 22, 2010.

In view of the above, the $400 petition fee was not charged to counsel's deposit account as authorized.

The petition is **GRANTED**.

The application will be processed using the copy of pages 1-3 of specification, supplied on February 11, 2011, as a part of the original disclosure.

The application is being referred to the Office of Patent Application Processing for further processing with a filing date of February 29, 2008, using the application papers filed on that date, and the copy of pages 1-3 of the specification, supplied with the present petition.

Telephone inquiries should be directed to the undersigned at 571-272-3204.

/SDB/

Sherry Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Arlington, VA 22203-1808

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APR 13 2011

OFFICE OF PETITIONS

In re Application of
James Edward Myers, et al.
Application Number: 12/926,498
Filed: November 22, 2010
Attorney Docket Number: SCS-550-1321

DECISION GRANTING PETITION

This is a corrected decision on the petition, filed on February 11, 2011, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application, including pages 1-3 of the specification, be accorded a filing date of November 22, 2010. The decision mailed March 28, 2011 is hereby vacated.

The application was filed on November 22, 2010.

On December 14, 2010, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application, stating, *inter alia*, pages 1-3 of the specification were missing.

On February 11, 2011, applicants submitted the statutory basic filing fee, search fee, examination fee, excessive claim fees, surcharge, replacement drawings, and an executed declaration under 37 CFR 1.63, accompanied by the present petition.

Petitioner argues that all the pages of specification were submitted on filing. In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp date of November 22, 2010. The postcard identifies the application by the inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, 49 Pages - Title Page, Specification, Claims & Abstract Petitioner request that the application, including pages 1-3 of the specification, be accorded a filing date of November 22, 2010.

A review of the record reveals that forty-six (46) pages of specification, claims and abstract received on November 22, 2010, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on November 22, 2010, included pages 1-3 of the

specification, which were subsequently misplaced in the Office. Therefore, the application, including pages 1-3 of the specification, is entitled to a filing date of November 22, 2010.

In view of the above, the $400 petition fee was not charged to counsel's deposit account as authorized.

The petition is **GRANTED**.

The application will be processed using the copy of pages 1-3 of specification, supplied on February 11, 2011, as a part of the original disclosure.

The application is being referred to the Office of Patent Application Processing for further processing with a filing date of **November 22, 2010**, using the application papers filed on that date, and the copy of pages 1-3 of the specification, supplied with the present petition.

Telephone inquiries should be directed to the undersigned at 571-272-3204.

/SDB/

Sherry Brinkley
Petitions Examiner
Office of Petitions

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WASHINGTON DC 20007

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MAR 21 2011

OFFICE OF PETITIONS

In re Application of	:	
De Wit, et al.	:	DECISION GRANTING STATUS
Application No. 12/926,542	:	UNDER 37 CFR 1.47(a)
Filed: November 24, 2010	:	
Attorney Docket No. 047265-0108	:	

This is in response to the petition under 37 CFR 1.47(a), filed February 15, 2011.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to execute the declaration after having been presented with the complete application papers for the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

] UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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Johan Nicolai
Brustem Bedrijvenpark
Lichtenberglaan 2050
3800 Sint-Truiden
Belgium

MAILED
MAR 21 2011
OFFICE OF PETITIONS

In re Application of
De Wit, et al.
Application No. 12/926,542
Filed: November 24, 2010
Attorney Docket No. 047265-0108

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

cc: FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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WASHINGTON DC 20007

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NOV 16 2011

OFFICE OF PETITIONS

Applicant: Inge De Wit, et al.
Appl. No.: 12/926,542
Filing Date: November 24, 2010
Title: APPLE TREE NAMED B3F45
Attorney Docket: 047265-0108
Pub. No.: US 20110167527P1
Pub. Date: July 7, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 5, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error in the specification.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor in the "Brief Description Of The Photographs" of the specification may be an Office mistake, but it is not a material Office error under 37 CFR 1.221(b). The mistake is a minor typographical error and it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130B.

[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 applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of	:	
De Wit, et al.	:	DECISION GRANTING STATUS
Application No. 12/926,543	:	UNDER 37 CFR 1.47(a)
Filed: November 24, 2010	:	
Attorney Docket No. 047265-0107	:	

This is in response to the petition under 37 CFR 1.47(a), filed February 15, 2011.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to execute the declaration after having been presented with the complete application papers for the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Johan Nicolai
Brustem Bedrijvenpark
Lichtenberglaan 2050
3800 Sint-Truiden
Belgium

MAILED
MAR 21 2011
OFFICE OF PETITIONS

In re Application of
De Wit, et al.
Application No. 12/926,543
Filed: November 24, 2010
Attorney Docket No. 047265-0107

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

cc: FOLEY AND LARDNER LLP
SUITE 500
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WASHINGTON DC 20007

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DEC 01 2011

OFFICE OF PETITIONS

Applicant: Inge De Wit, et al.
Appl. No.: 12/926,543
Filing Date: November 24, 2010
Title: APPLE TREE NAMED 'B3F44'
Attorney Docket: 047265-0107
Pub. No.: US 20110167528 P1
Pub. Date: July 7, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 5, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains errors in the specification.

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 errors noted by requestor in the "Brief Description Of The Photographs" and the "Detailed Botanical Description" of the specification may be Office mistakes, but are not material Office errors under 37 CFR 1.221(b). The mistakes are minor typographical errors and do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130B.

[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 applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA VA 22313-1404

MAILED
MAR 02 2011
OFFICE OF PETITIONS

In re Application of :
Ishikawa : DECISION ON PETITION
Application No. 12/926,698 :
Filed: December 6, 2010 :
Atty Docket No. 1030673-000281 :

This is a decision on the "PETITION UNDER 37 CFR 1.57(a) TO ADD INADVERTENTLY OMITTED MATERIAL," filed January 14, 2011, requesting that the above-referenced application be accorded a filing date of December 6, 2010.

Application papers in the above-identified application were filed on December 6, 2010. However, on December 28, 2010, the Office of Patent Application Processing mailed applicant a "Notice of Incomplete Nonprovisional Application," notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings as prescribed by 35 U.S.C. 113.

In response, applicant timely filed this petition. In which, applicant acknowledges inadvertently omitting the drawings from the parent application on submission of the instant divisional application. Applicants argued, however, that the filing date of December 6, 2010, should still be accorded pursuant to § 1.57(a)(3).

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains … a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely

> contained in the prior-filed application, the claim under … § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

It is noted that the application as filed included a claim under 1.78 for the benefit of prior-filed Application No. 12/273,944. 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 drawings.

The instant petition includes an amendment adding the inadvertently omitted drawings, a copy of the prior-filed application, and an identification of where the inadvertently omitted drawings may be found in the prior-filed application, along with the $400.00 petition fee.

In view of the incorporation by reference of the prior application, the drawings supplied on January 14, 2011, would not constitute new matter if they were a part of the prior application. Of course, the examiner is expected to compare the drawings supplied on January 14, 2011, to the drawings of prior Application No. 12/273,944 in order to verify that they are an accurate copy of the prior drawings and that they contain no new matter.

In view thereof, the petition is **GRANTED**.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for **according of a filing date of December 6, 2010**, as a divisional application under 37 CFR 1.53(b) of prior application No. 12/273,944, including the copy of the drawings from the prior application supplied on January

14, 2011. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Christopher Bottorff
Supervisor
Office of Petitions

PTO/SB/420 (12-09)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: OLI-132U	Application Number (if known): 12/926,721	Filing date: December 7, 2010
First Named Inventor: Akira YASUGI		
Title: POWER SUPPLY DEVICE AND METHOD		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

   If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Manabu KANESAKA/	Date February 28, 2011
Name (Print/Typed) Manabu KANESAKA	Registration Number 31,467

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see notice "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" available on the USPTO web site at http://www.uspto.gov/web/offices/pac/dapp/ogsheet.html):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.

(2) The application must be classified in one of the U.S. classifications listed in section VI of the notice cited above at the time of examination.

(3) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(4) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice cited above and is classified in one of the U.S. classifications listed in section VI of the notice cited above.

(5) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which will be available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(6) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(7) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/926,721	12/07/2010	Akira Yasugi	OLI-132U	1745

32628 7590 03/08/2011
KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER
FUREMAN, JARED

ART UNIT	PAPER NUMBER
2836	

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.

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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

In re Application of	:	
Akira YASUGI	:	DECISION ON PETITION
Application No. 12/926,721	:	TO MAKE SPECIAL UNDER
Filed: December 07, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. OLI-132U	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on February 28, 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 2836 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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Alexandria, VA 22313-1450
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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria VA 22314-1437

MAILED
OCT 12 2011
OFFICE OF PETITIONS

In re Application of :
Nakayoshi et al. :
Application No.12/926,735 : ON PETITION
Filed: December 7, 2010 :
Attorney Docket Number: HARU-0036 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Corrected Application Papers which was mailed on December 22, 2010. The Notice set an extendable two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on February 23, 2011. A Notice of Abandonment was mailed on February 23, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings (2) the petition fee of $1620, and (3) a statement of unintentional delay.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/926,838	12/13/2010	Takamichi Matsushita	CS-08-101213	2514

22712 7590 04/26/2011
PAUL A. GUSS
PAUL A. GUSS ATTORNEY AT LAW
1211 South Eads Street
No. 1502
ARLINGTON, VA 22202

EXAMINER
WATKINS III, WILLIAM P

ART UNIT	PAPER NUMBER
1783	

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.

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April 25, 2011 CST

In re application of	:	DECISION ON REQUEST TO
Takamichi Matsushita	:	PARTICIPATE IN PATENT
Serial No. 12/926,838	:	PROSECUTION HIGHWAY
Filed: December 13, 2010	:	PROGRAM AND
For: HEAT INSULATOR	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed February 24, 2011.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:

      Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition fail because:

(6) Applicant must submit:
   c. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   d. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

Only two (2) of the references cited in the Reasons for Refusal from the JPO in JPO application 2010-085980 have been listed in an IDS. The remaining 3 references cited, JP 2004-019277, JP H08-209853 and JP 2002-275751, have not been cited in an IDS, nor have copies of these references been provided.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application with await action in its regular turn.

Application No. 12/926,838

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/926,838	12/13/2010	Takamichi Matsushita	CS-08-101213	2514

22712 7590 05/31/2011
PAUL A. GUSS
PAUL A. GUSS ATTORNEY AT LAW
1211 South Eads Street
No. 1502
ARLINGTON, VA 22202

EXAMINER
WATKINS III, WILLIAM P

ART UNIT	PAPER NUMBER
1783	

MAIL DATE	DELIVERY MODE
05/31/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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CST

May 31, 2011

In re application of	:	DECISION ON REQUEST TO
Takamichi Matsushita	:	PARTICIPATE IN PATENT
Serial No. 12/926,838	:	PROSECUTION HIGHWAY
Filed: December 13, 2010	:	PROGRAM AND
For: HEAT INSULATOR	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed May 5, 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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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of Lee, et al. Application No. 12/926,839 Filed: December 13, 2010 Attorney Docket Number: 041501-5938	: : : : :	DECISION ON PETITION

This is in response to the petition under 37 CFR 1.84(a)(2), filed December 13, 2010, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 4113.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILLIAM M. HOBBY, III
157 E. NEW ENGLAND AVENUE, #375
WINTER PARK FL 32789

MAILED

JAN 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Titen et al.	:	
Application No. 12/926,852	:	ON PETITION
Filed: December 13, 2010	:	
Attorney Docket No. 10-6215	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 13, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes an Affidavit from the applicant, Harvey Titen. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center Art Unit 3742 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/926,983	12/21/2010	Sin Ae Kim	2294.1249	9367

7590 01/19/2012
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
MCKENZIE, THOMAS B

ART UNIT	PAPER NUMBER
1776	

MAIL DATE	DELIVERY MODE
01/19/2012	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Jarmes

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Schultz & Associates, P.C.
One Lincoln Center
Suite 1200
5400 LBJ Freeway
Dallas TX 75240

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of Jaggi, Fears, Banta, Wei, and Bartlett Application No. 12/927,056 Filed: November 4, 2010 Attorney Docket No.: 12060.0105 Title: SWITCHABLE MULTI-CHANNEL DATA TRANSCODING AND TRANSRATING SYSTEM	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed on May 9, 2011.

This petition is **DISMISSED.**

On November 4, 2010, this application was filed, identifying Jaggi, Fears, Banta, Wei, and Bartlett as joint inventors. An executed oath or declaration was not included on filing. On November 30, 2010, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring a fully executed oath or declaration. The notice set a two-month period for response.

On May 9, 2011, Petitioner submitted this petition in response to the notice, along with, *inter alia*, the petition fee, the fee that is associated with the late submission of this petition, a declaration that has been executed by each of the joint inventors save Mr. Fear, a statement of facts, the last-known address of the non-signing inventor,[1] proof that a complete copy of the application was sent to that address[2] and a response has not been received,[3] and an assertion that the non-signing inventor has refused to execute the declaration.[4] Petitioner has further

1 Petition, paragraph 4.
2 Id.
3 Id. at 6. See also Kumar declaration of facts, paragraph 7-8.
4 Petition, paragraph 2 and Kumar declaration of facts, paragraph 6.

included a three-month extension of time, so as to make timely this submission.[5]

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventor;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

Petitioner has met requirements (1) - (3) and (5) of 37 C.F.R. § 1.47(a). Requirement (4) has not been satisfied, as will now be pointed out.

Regarding the fourth requirement above, the record supports a finding that a complete copy of the application was sent to the last known address of the non-signing inventor on Tuesday, April 26, 2011,[6, 7] and this petition was filed the following Monday on May 2, 2011. This is an insufficient time to reasonably expect a package to be delivered to the non-signing inventor, have the inventor review the contents of the same, and have the return package delivered to Petitioner.

On June 14, 2011, the undersigned telephoned Petitioner so as to provide him with an opportunity to supplement this petition with an indication as to whether a response from the non-signing inventor has been received subsequent to

5 The petition contains a certificate of mailing dated May 2, 2011, and it is noted that April 30, 2011 fell on a Saturday.
6 Petition, paragraph 6.
7 In the fourth paragraph of this petition, it is asserted that a copy of the mailing was included with the petition and labeled "Exhibit A," however a copy of this mailing has not been located in the electronic file.

the submission of this petition. The undersigned provided Petitioner with two days to provide this submission via EFS-Web, and Mr. Schultz indicated that such a submission would be provided within this timeframe via EFS-Web. However, as of the mailing of this petition, it does not appear that such a submission has been provided via EFS-Web.

Any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

On renewed petition, it should be established that the non-signing inventor was provided with an appropriate period of time to provide a response. Petitioner should note that any statement which pertains to the presentation should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted. Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[8] hand-delivery,[9] or facsimile.[10] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[11]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[12]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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8 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
9 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
10 (571) 273-8300: please note this is a central facsimile number.
11 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
12 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Schultz & Associates, P.C.
One Lincoln Center
Suite 1200
5400 LBJ Freeway
Dallas TX 75240

MAILED
JUL 07 2011
OFFICE OF PETITIONS

In re Application of Jaggi, Fears, Banta, Wei, and Bartlett Application No. 12/927,056 Filed: November 4, 2010 Attorney Docket No.: 12060.0105 Title: SWITCHABLE MULTI-CHANNEL DATA TRANSCODING AND TRANSRATING SYSTEM	DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the "SUPPLEMENT TO PETITION UNDER 37 C.F.R. §1.47 FOR FILING BY OTHER THAN ALL THE INVENTORS," filed on June 21, 2011, which is being treated as a renewed petition pursuant to 37 C.F.R. § 1.47(a).

This renewed petition is **GRANTED.**

On November 4, 2010, this application was filed, identifying Jaggi, Fears, Banta, Wei, and Bartlett as joint inventors. An executed oath or declaration was not included on filing. On November 30, 2010, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring a fully executed oath or declaration. The notice set a two-month period for response.

On May 9, 2011, Petitioner submitted an original petition pursuant to Rule 1.47(a) in response to the notice, along with, *inter alia*, the petition fee, the fee that is associated with the late submission of the petition, a declaration that has been executed by each of the joint inventors save Mr. Fears, a statement of facts, the last-known address of the non-signing inventor,[1] proof that a complete copy of the application was sent to that address[2] and a response has not been received,[3] and an

1 Original petition, paragraph 4.
2 Id.

assertion that the non-signing inventor has refused to execute the declaration.[4] Petitioner further included a three-month extension of time, so as to make timely the submission.[5]

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventor;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

The original petition pursuant to 37 C.F.R. § 1.47(a) was dismissed via the mailing of a decision on June 20, 2011, which indicated that requirements (1) - (3) and (5) of 37 C.F.R. § 1.47(a) had been satisfied.

With this renewed petition, Petitioner has indicated that as of June 16, 2011, Mr. Fears, the non-signing inventor, has neither submitted an executed copy of the declaration to Petitioner nor contacted Petitioner.

It follows that the fourth requirement of Rule 1.47(a) has been satisfied.

Consequently, each of the five requirements of 37 C.F.R. § 1.47(a) has been met.

The above-identified application and papers have been reviewed

---

3 Id. at 6. See also Kumar declaration of facts submitted with original petition, paragraphs 7-8.
4 Original petition, paragraph 2 and Kumar declaration of facts submitted with original petition, paragraph 6.
5 The original petition contains a certificate of mailing dated May 2, 2011, and it is noted that April 30, 2011 fell on a Saturday.

and found in compliance with 37 C.F.R. § 1.47(a). This application is hereby accorded Rule 1.47(a) status.
As provided in Rule 1.47, this Office will forward notice of this application's filing to the non-signing inventor at the address that appears on the declaration that was included with the original petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[6]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED
JUL 07 2011
OFFICE OF PETITIONS

Mark Daniel Fears
3813 Vickburg Court
Plano, Texas 75023

In re Application of	:	
Jaggi, Fears, Banta, Wei,	:	
and Bartlett	:	
Application No. 12/927,056	:	LETTER
Filed: November 4, 2010	:	
Attorney Docket No.:	:	
12060.0105	:	
Title: SWITCHABLE MULTI-	:	
CHANNEL DATA TRANSCODING AND	:	
TRANSRATING SYSTEM	:	

Dear Mr. Fears:

You are named 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 C.F.R. § 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 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. 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).

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Schultz & Associates, P.C.
One Lincoln Center
Suite 1200
5400 LBJ Freeway
Dallas TX 75240

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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GEORGE R. SCHULTZ
SCHULTZ & ASSOCIATES, P.C.
ONE LINCOLN CENTRE
5400 LBJ FREEWAY, SUITE 1200
DALLAS TX 75240

MAILED
JAN 30 2012
OFFICE OF PETITIONS

In re Application of	:	
JAGGI, et al	:	
Application No. 12/927,056	:	DECISION ON PETITION
Filed: November 4, 2010	:	TO WITHDRAW
Attorney Docket No. 12060.0105	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 22, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by George R. Schultz on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: PAWAN JAGGI
5968 GLENDOWER LANE
PLANO TX 75093

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/927,056	11/04/2010	Pawan Jaggi	12060.0105

CONFIRMATION NO. 8896

POWER OF ATTORNEY NOTICE

OC000000052207725

George R. Schultz
Schultz & Associates, P.C.
One Lincoln Centre
5400 LBJ Freeway, Suite 1200
Dallas, TX 75240

Date Mailed: 01/26/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/22/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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DANIEL LUCH
17161 COPPER HILL DRIVE
MORGAN HILL, CA 95037

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
Daniel Luch :
Application No. 12/927,075 : ON PETITION
Filing: November 04, 2010 :
Attorney Docket No. None :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 4, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant he is at least 65 years of age and is also accompanied with a declaration and copy of applicant's California Driver's License. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1728 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. : **8127448**
Ser. No. **12/927080**
Inventor(s) : **BUSSEY, BUDDY HARRY III**
Issued : **03/06/2012**
Title : **METHOD FOR MAKING DRAINAGE ELEMENT**
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A Certificate of Correction will be issued for the remaining errors.

Omega Lewis
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703)756-1575 or (703) 756-1814

Francis C. Hand, Esq.
c/o Carella Byrne, Bain Gilfillan, Cecchi
Stewart & Olstein
5 Becker Farm Road
Roseland NJ 07068

OL

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

Sherry Jean Roethig
5739 E. Aspen Ave.
Mesa AZ 85206

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Sherry Jean Roethig	:	
Application No. 12/927,088	:	ON PETITION
Filed: July 21, 2010	:	
	:	

This is in response to the communication, filed September 21, 2011, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

The request to withdraw the holding of abandonment has not been considered on its merits because it was not properly signed.

The signature of Sherry Jean Roethig was omitted.

Telephone inquires regarding this decision should be directed to Terri Johnson at (571) 272-2991.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Sherry Jean Roethig
5739 E. Aspen Ave.
Mesa AZ 85206

MAILED

DEC 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Sherry Jean Roethig	:	
Application No. 12/927,088	:	DECISION ON PETITION
Filed: July 21, 2010	:	
	:	

This is a decision on the renewed petition, filed November 10, 2011, which is being treated as a petition under 37 CFR 1.8(a), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice to File Corrected Application Papers of December 16, 2010 which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before February 16, 2011. A Notice of Abandonment was mailed August 26, 2011.

Petitioner states that a timely reply was mailed via certified mail with USPS on February 16, 2011, which included a postal money order in the amount of $297. Petitioner has submitted a copy of the "Certified Mail" receipt, which bears a mailing date of February 16, 2011, which would have rendered the reply timely if received.

The file record includes the originally submitted reply. However, the reply was received at the Office on February 22, 2011. Failure to timely receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(a), reproduced below:

Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail;

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6 (d); or

(C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The petition satisfies the above requirements of 37 CFR 1.8(a). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice to File Corrected Application Papers of December 16, 2010 is hereby withdrawn and the application restored to pending status.

Telephone inquiries regarding this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received on September 22, 2011.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA GA 30339

MAILED

SEP 20 2011

OFFICE OF PETITIONS

In re Application of :
Michael Chang : DECISION ON PETITION
Application No. 12/927,138 :
Filed: 11/09/2010 :
Attorney Docket No. WTRV :

This is a decision on the petition under 37 CFR 1.137(b), filed September 7, 2011, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Corrected Application Papers mailed December 1, 2010, which set a two-month extendable period to reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 2, 2011. A Notice of Abandonment was mailed on August 10, 2011.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA, CA 91356-3346

MAILED
DEC 06 2010
OFFICE OF PETITIONS

In re Application of :
Vaughn Gregor :
Application No. 12/927,165 : DECISION ON PETITION
Filed: November 9, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. 49630.002 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 9, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Inventor Vaughn Gregor stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3651 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARCUS G. THEODORE, PC
466 SOUTH 500 EAST
SALT LAKE CITY, UT 84102

MAILED
FEB 02 2011
OFFICE OF PETITIONS

In re Application of
Marcus G. THEODORE, *et al.*
Application No. 12/927,168
Filed: November 9, 2010
Attorney Docket No. **WW Open Water**

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 December 15, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the certification of inventor Marcus G. Theodore, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application will be forwarded to the Technology Center for action on the merits after pre-examination processing is complete.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MARCUS G THEODORE PC
466 SOUTH 500 EAST
SALT LAKE CITY UT 84102

MAILED

DEC 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Theodore, et al.	:	
Application No. 12/927,168	:	ON PETITION
Filed: November 9, 2010	:	
Attorney Docket No. WW Open Water	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed December 2, 2011.

The petition under 37 CFR 1.181 is **GRANTED**.

The above-identified application was held abandoned for failure to timely file replacement drawings in response to the Notice to File Corrected Application Papers mailed December 6, 2010. This Notice set an extendable period for reply of two (2) months. Applicants filed replacement drawings on December 27, 2010. However, on January 10, 2011, stating that the reply filed December 27, 2010 and that replacement drawings were still required. The time period for reply remained as set forth in the December 6, 2010 Notice to File Corrected Application Papers. The Office mailed a Notice of Abandonment on November 17, 2011.

37 CFR 1.8(b) states:

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

On petition, applicants have submitted a copy of a 1 page "Drawing Transmittal", itemizing replacement drawings for Figures 1 and 2, and bearing a Certificate of Mailing dated January 20, 2011.

In view of the above, the holding of abandonment is **WITHDRAWN**.

Receipt of two pages of replacement drawing sheets, submitted with the instant petition, is acknowledged.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT INNES
941 BLOOMFIELD ROAD
SEBASTOPOL CA 95472

MAILED

DEC 01 2010

OFFICE OF PETITIONS

In re Application of	:	
INNES, Robert et al.	:	
Application No. 12/927,185	:	DECISION ON PETITION
Filed: November 08, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 08, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Robert Innes attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/927,202	11/09/2010	Stephen G. Perlman	08258.P045X	9457

7590 10/13/2011
Bradley J. Bereznak
The law offices of Bradley J. Bereznak
800 West El Camino Real
Suite 180
Mountain View, CA 94040

EXAMINER
KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
2423	

MAIL DATE	DELIVERY MODE
10/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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MAILED

OCT 13 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Bradley J. Bereznak
800 West El Camino Real
Suite 180
Mountain View, CA 94040

In re Application of:	)	
Stephen G. Perlman	)	
Application No. 12/927,202	)	DECISION ON PETITION UNDER 37
Filed: November 09, 2010	)	C.F.R. ∋ 1.84(b)(2) TO ACCEPT
For: System and Method for Remote-	)	COLOR PHOTOGRAPHS
Hosted Video Effects	)	
	)	
	)	

This is a decision on the petition under 37 C.F.R. ∋ 1.84(b)(2), filed February 4, 2011, requesting acceptance of color photographs.

The petition requests that the color photographs for Figure 22 be accepted.

A grantable petition under 37 C.F.R. ∋ 1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. ∋ 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first

paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without the amendment to the specification.

The petition is Dismissed.

/Brian T. Pendleton/
Brian T. Pendleton
Supervisory Patent Examiner
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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PETER I. LIPPMAN
17900 MOCKINGBIRD DRIVE
RENO NV 89508

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
Griffis, et al. :
Application No.: 12/927,210 : ON PETITION
Filed: February 3, 2011 :
Attorney Docket No.: **xAA-20** :

This is a decision on the "Petition to Accept at Least One Late Claim", filed February 3, 2011, which will be treated as petition under 37 CFR 1.53(e) to accord the application a filing date of November 8, 2010.

The petition is **dismissed.**

The application was deposited on November 8, 2010. On November 30, 2010, the Office of Patent Application Processing mailed the Notice stating, in pertinent part, that the application had not been accorded a filing date because the application did not contain a specification that included at least one claim. The instant petition under was filed on February 3, 2011. Petitioner concedes no claims accompanied the original application papers, but requests that the claims filed February 3, 2011, be considered as part of the original disclosure and the application be accorded a filing date of November 8, 2010.

The arguments have been considered, but are not persuasive. The Patent and Trademark Office (the Office") file is the official record of the papers originally filed in this application; there is a rebuttable presumption that the file record as maintained by the Office is accurate and complete. A review of the application file reveals no claims were present on November 8, 2010, and petitioner has not provided *prima facie* evidence that at least one claim was filed on that date. To the contrary, petitioner concedes that no claims were present on November 8, 2010. The filing date accorded the non-provisional application is the date on which the specification, at least one claim, and any drawings required under 37 CFR 1.81(a) are filed. See 37 CFR 1.53(b). It is apparent that no claims were present on November 8, 2010, and petitioner has not made any argument that the omitted claims can be entered under 37 CFR 1.57 and accorded a filing date of November 8, 2010. Accordingly, it is inappropriate to grant the application a filing date of November 8, 2010, with the claims filed February 3, 2011 of the original application papers. The petition is dismissed, accordingly.

The application is being directed to the Office of Patent Application Processing for further processing. The application will be accorded a filing date of February 3, 2011, and a filing receipt issued.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PETER I. LIPPMAN
17900 MOCKINGBIRD DRIVE
RENO NV 89508

MAILED
JUN. 15 2011
OFFICE OF PETITIONS

In re Application of :
Griffis, et al. :
Application No.: 12/927,210 : ON PETITION
Filed: February 3, 2011 :
Attorney Docket No.: **xAA-20** :

This is a decision on the "Request for Reconsideration and Renewed Petition to Preserve the November 8, 2010 Filing Date and Accept At Least One Late Claim under 37 CFR 1.17(f), 1.53(e), 1.57(a), 1.78(a)(1) & (2), and 1.115", filed April 25, 2011. The petition will be treated as a petition under 37 CFR 1.57.

The petition is **dismissed.**

The application was deposited on November 8, 2010. On November 30, 2010, the Office of Patent Application Processing mailed the Notice stating, in pertinent part, that the application had not been accorded a filing date because the application did not contain a specification that included at least one claim. A "Petition to Accept at Least One Claim" was filed on February 3, 2011. The petition was treated under 37 CFR 1.53, and dismissed by a decision mailed March 28, 2011.

By the instant petition, petitioner again concedes that no claims accompanied the original application papers, but requests that the claims filed February 3, 2011, be considered as part of the original disclosure deposited November 8, 2010, and the application be accorded a filing date of November 8, 2010. In summary, petitioner argues that the application transmittal sheet filed November 8, 2010, contained what should be construed as a preliminary amendment containing a priority claim under 37 CFR 1.78 to a non-provisional application containing the omitted claims. Petitioner notes that there is a typographical error in the application number cited in the priority claim, but states that the first page of the application transmittal sheet reflects the correct application number to which priority is claimed. Because a priority claim under 37 CFR 1.78 was present on filing to a non-provisional application that contained the omitted claims, petitioner concludes that, pursuant to 37 CFR 1.57, the omitted claims contained in that non-provisional application should be incorporated by reference and the subject application considered complete as of November 8, 2010, and the same filing date accorded.

Petitioner's arguments have been considered, but are not persuasive. The section titled, "XI. Relation back—35 USC § 120" (hereinafter "Section XI") on page 4 of the application transmittal sheet filed November 8, 2010, may be construed as a preliminary amendment

amending the application to include a priority claim under 37 CFR 1.78[1]. A review of the Section XI. reveals that it indicates that the subject application is a continuation of application 10/426,959. Petitioner concedes, and a review of the application file of application 10/426,959 reveals, that the citation of application 10/426,959 in Section XI. was incorrect and that the subject application is not a continuation of, and is completely unrelated to, application 10/426,959. Accordingly, the omitted claims are not completely contained in the cited priori-filed application. It is noted that 37 CFR 1.57 states, in pertinent part, that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 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).

[1] It is noted that the 37 CFR 1.57 requires that the application contain 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. A preliminary amendment filed with the original application papers amending the specification to include the priority claim may satisfy this requirement. Although, Section XI. is being construed as a preliminary amendment, no other sections of the application transmittal sheet, i.e., "Section X . Priority" or the first page of the application transmittal sheet, can be construed as a preliminary amendment that makes a priority claim under 37 CFR 1.78. Further, it is noted that a priority claim under 37 CFR 1.78 may also be set forth in an Application Data Sheet (ADS) that accompanies the original application papers. A review of the subject application file does not reveal an ADS as having been filed on November 8, 2010, and the application transmittal sheet filed on November 8, 2010, cannot be construed as such.

The petition fails to comply with 37 CFR 1.57(a) because the omitted claims are not completely contained in the prior-filed application to which, on filing, the subject application claims priority under 37 CFR 1.78. It is noted that the priority claim under 37 CFR 1.78 may be corrected by way of a petition under 37 CFR 1.78, however, for the purposes of a petition under 37 CFR 1.57 the omitted items must be completely contained in the prior-filed application to which the subject application claim priority under 37 CFR 1.78 on filing, whether that priority claim is made in the first paragraph of the specification, or as the specification is amended by preliminary amendment on filing, or in an ADS. The subject application does not, on filing, make a priority claim under 37 CFR 1.78 to a prior-filed application that completely contains the omitted claims. The requirement that the subject application claim priority under 37 CFR 1.78 on filing cannot be waived under 37 CFR 1.53(h) as suggested by petitioner. 37 CFR 1.53(h) allows the correction of minor informalities before an application undergoes examination but it does not permit waiver of a filing date requirement. Petitioner may pursue such a waiver through a petition under 37 CFR 1.183 that explains the extraordinary situation where justice requires the waiver, which explanation has not been presented in the current record. The petition under 37 CFR 1.57 is dismissed, accordingly.

The fee for the instant petition is $400.00. It is noted that petitioner states that a $400.00 fee was previously paid on February 3, 2011. The $400.00 paid on February 3, 2011, was for the petition filed February 3, 2011, which required payment of a $400.00 fee. The petition filed February 3, 2011, was considered on its merits under 37 CFR 1.53, and dismissed by a decision mailed March 28, 2011. The instant petition under 37 CFR 1.57 requires a fee of $400.00. Such will be charged to deposit account 12-1639 as authorized by the instant petition.

The application is being directed to the Office of Patent Application Processing for further processing. The application will be accorded a filing date of February 3, 2011, and a filing receipt issued.

Telephone inquiries concerning this matter may be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Chris Bottorff
Supervisor
Office of Petitions

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MAILED
FEB 14 2012
OFFICE OF PETITIONS

PETER I. LIPPMAN
17900 MOCKINGBIRD DRIVE
RENO NV 89508

In re Application of	:	
Griffis, et al.	:	
Application No.: 12/927,210	:	ON PETITION
Filed: February 3, 2011	:	
Attorney Docket No.: **xAA-20**	:	

This is a decision on the "Request for Supervisory Review of Decision on Petition under 37 CFR 1.181 to Preserve the November 8, 2010 Filing Date and Accept At Least One Late Claim", filed August 15, 2011.

The petition is **DENIED**[1].

BACKGROUND

The application was deposited on November 8, 2010. On November 30, 2010, the Office of Patent Application Processing mailed a Notice of Incomplete Non-Provisional Application stating, in pertinent part, that the application had not been accorded a filing date because the application did not contain a specification that included at least one claim. A "Petition to Accept at Least One Claim" was filed on February 3, 2011. The petition was treated under 37 CFR 1.53, and dismissed by a decision mailed March 28, 2011. On April 25, 2011, a "Request for Reconsideration and Renewed Petition to Preserve the November 8, 2010 Filing Date and Accept At Least One Late Claim under 37 CFR 1.17(f), 1.53(e), 1.57(a), 1.78(a)(1) & (2), and 1.115", was filed. The petition was treated under 37 CFR 1.57 and dismissed by a decision mailed June 15, 2011. The subject "Request for Supervisory Review of Decision on Petition under 37 CFR 1.181 to Preserve the November 8, 2010 Filing Date and Accept At Least One Late Claim", was filed on August 15, 2011.

STATUTES AND REGULATIONS

35 U.S.C. § 112 states, in pertinent part, that:

[1] This decision may be viewed as a final agency action within the meaning of 5 U.S.C. § 704 for the purpose of seeking judicial review. See MPEP 1002.02.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

37 CFR 1.53(b) states:

(b)*Application filing requirements - Nonprovisional application.* The filing date of an application for patent filed under this section, except for a provisional application under paragraph (c) of this section or a continued prosecution application under paragraph (d) of this section, is the date on which a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71 and at least one claim § 1.53 pursuant to § 1.75, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No new matter may be introduced into an application after its filing date. A continuing application, which may be a continuation, divisional, or continuation-in-part application, may be filed under the conditions specified in 35 U.S.C. 120, 121 or 365(c) and § 1.78(a).

37 CFR 1.57 states:

(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.

37 CFR 1.183 states:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

PETITIONER'S ARGUMENT

Petitioner maintains that the application is entitled to a filing date of November 8, 2010. Petitioner concedes that no claims accompanied the original application papers, but requests that

the claims filed February 3, 2011, be considered as part of the original disclosure deposited November 8, 2010, and the application be accorded a filing date of November 8, 2010.

Petitioner further argues that the application transmittal sheet filed November 8, 2010, contained what should be construed as a preliminary amendment containing a priority claim under 37 CFR 1.78 to a non-provisional application containing the omitted claims. Petitioner notes that there is a typographical error in the application number cited in the priority claim, but states that the first page of the application transmittal sheet reflects the correct application number to which priority is claimed. Because a priority claim under 37 CFR 1.78 was present on filing to a non-provisional application that contained the omitted claims, petitioner concluded that, pursuant to 37 CFR 1.57, the omitted claims contained in that non-provisional application should be incorporated by reference and the subject application considered complete as of November 8, 2010, and the same filing date accorded. Petitioner finally asserts that as a matter of good faith and justice, the Office should suspend the applicable rules and accord the application a filing date of November 8, 2010, notwithstanding the filing errors conceded by petitioner.

OPINION

Petitioner's arguments as set forth in the instant petition have been considered, but are not persuasive as petitioner does not establish that either at least one claim was present on November 8, 2010, or that the subject application made, on filing, a priority claim under 37 CFR 1.78 to a prior-filed application that completely contained the omitted claim(s). The subject application is not entitled to a filing date of November 8, 2010, as the specification did not contain at least one claim on that date and a priority claim under 37 CFR 1.78 to a prior-filed application that completely contained the omitted claims was not present on November 8, 2010. It is again noted that the priority claim under 37 CFR 1.78 may be corrected by way of a petition under 37 CFR 1.78, however, for the purposes of a petition under 37 CFR 1.57 the omitted items must be completely contained in the prior-filed application to which the subject application claims priority under 37 CFR 1.78 on filing, whether that priority claim is made in the first paragraph of the specification, or as the specification is amended by preliminary amendment on filing, or in an ADS. The subject application did not, on filing, make a priority claim under 37 CFR 1.78 to a prior-filed application that completely contains the omitted claims. Neither did the subject application contain at least one claim on November 8, 2010. The application is, therefore, not entitled to a filing date of November 8, 2010, but is entitled to a filing date of February 3, 2011, as this was the date the claims were filed and the application complete under 37 CFR 1.53.

The petition under 37 CFR 1.57 is also denied. As a threshold matter, the applications must be co-pending. Provisional application serial number 60/377,323 was filed on April 30, 2002, and thus expired on April 30, 2003. See 35 USC 111(b)(5). The present application papers were first submitted on November 8, 2010, well beyond one year from the filing date of the provisional application. Finally, the provisional application did not contain a claim. Further, as to the transmittal letter filed November 8, 2010, it is concluded that only "Section XI" of the transmittal letter can be construed as a preliminary amendment that makes a priority claim under 37 CFR 1.78. However, the proposed amendment does not reference the proper application

serial number that contained the omitted claim. The application, as it was filed, is not able to satisfy the requirements of 37 CFR 1.57. The petition under 37 CFR 1.57 is, therefore, denied.

Petitioner's assertion that, as a matter of fairness, the Office should forgive the filing errors of applicant, and accord the application a filing date of November 8, 2010, is unpersuasive. Pursuant to 37 CFR 1.183, the Office may, in an extraordinary situation, suspend or waive a requirement of the rules that is not also a requirement of the statute. It is noted that the requirement that a filing date for an application is the date on which the specification and at one least claim is received is a requirement of the statute, specifically 35 U.S.C. 112. As the United States Congress has mandated when a patent application is considered filed, the Office has no authority to waive or suspend that requirement. This is a precedence upheld in Howard Florey Institute v. Dudas , 87 USPQ2d 1913 (E.D. Va. 2008), in which the United States District Court determined that, even in the face of an otherwise extraordinary situation, the Office has no authority to waive or suspend a requirement of the rules that is also a requirement of the statutes. Accordingly, petitioner's argument unavailing as the Office has no authority to waive or suspend the requirement that at least one claim be present in order to accord an application a filing date as this requirement is a requirement of the statute, as well as the governing rules.

For the reasons stated above, the petition is **DENIED**. Therefore, the application will not be accorded a filing date of November 8, 2010, but will retain the filing date of February 3, 2011.

The application file is being directed to the Office of Patent Application Processing for further review.

Telephone inquiries concerning this matter may be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Anthony Knight
Director
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 04/12/12

TO SPE OF : ART UNIT 2886

SUBJECT : Request for Certificate of Correction for Appl. No.: 12927229 Patent No.: 8102534

CofC mailroom date: 04/06/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-273-3421

Note: Should the changes to the (Abstract) and claim 12 be approved?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☑ **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

Chowdhury — 04/12/12

SPE — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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UNITY SEMICONDUCTOR CORPORATION
255 SANTA ANA COURT
SUNNYVALE CA 94085-4511

In re Application of		JUN 07 2011
SIAU, CHANG HUA et al.	:	
Application No.: 12/927,247	:	DECISION ON
Filing or 371(c) Date: November 9, 2010	:	PETITION
Attorney Docket Number: P179.10.D117	:	

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on May 23, 2011.

This petition is **GRANTED**.

The application was inadvertently abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance mailed February 2, 2011 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on May 18, 2011.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on February 2, 2011. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission. As authorized, the issue fee of $755.00 and publication fee of $300.00 was charged to Deposit Account.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

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

DANIEL LUCH
17161 COPPER HILL DRIVE
MORGAN HILL, CA 95037

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Daniel Luch	:	
Application No. 12/927,338	:	ON PETITION
Filing: November 12, 2010	:	
Attorney Docket No. None	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 12, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant he is at least 65 years of age and is also accompanied with a copy of applicant's California Driver's License. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1728 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENNETH NEU
7430 LAKE BREEZE DRIVE, UNIT 202
FORT MYERS, FL 33907

MAILED

DEC 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Kenneth NEU	:	
Application No. 12/927,387	:	DECISION ON PETITION
Filed: November 12, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 12, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Kenneth Neu, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the technology center at 571-272-3700.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FREDDIE KAY CARR
POST OFFICE BOX 2244
CHAPEL HILL, NC 27515

MAILED

DEC 13 2010

OFFICE OF PETITIONS

In re Application of

Fred K. Carr
Application No. 12/927,407
Filed: November 15, 2010
Attorney Docket No. CG-04

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 November 15, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Inventor Fred K. Carr stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JENSKI PATENT LAW LLC
2880 NW ROLLING GREEN DR
CORVALLIS, OR 97330

MAILED

JAN 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Leonard Forbes	:	
Application No. 12/927,423	:	ON PETITION
Filed: November 15, 2010	:	
Attorney Docket No. P10155T01	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by the applicant that he is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2811 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN R. FLANAGAN
P.O. BOX 2629
EUGENE, OR 97402

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Jones et al.	:	
Application No. 12/927,428	:	ON PETITION
Filed: November 15, 2010	:	
Attorney Docket No. JMJ-02	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 15, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant's attorney that he is more than 65 years of age and is also accompanied with a Declaration from applicant that he is more than 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3723 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

MAILED
FEB 07 2012
OFFICE OF PETITIONS

In re Application of	:	
Sasabayashi al.	:	
Application No. 12/927,436	:	ON PETITION
Filed: 11/15/2010	:	
Attorney Docket Number: 3408.70098D2	:	

This is in response to the Petition to Approve Color Photographs for Drawings Under 37 CFR 1.84, filed in the United States Patent and Trademark Office (USPTO) on November 15, 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:

[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 patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners state that color photographs are the only practicable medium for illustrating the claimed invention. Moreover, the color photographs show the invention more clearly than can be depicted by India ink drawings and otherwise comply with the rules concerning such drawings.

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. MPEP 608.02, Section IX, DRAWINGS SYMBOLS provide graphic symbols that should be used to indicate various materials where the material is an important feature of the invention.

As color drawings or photographs are not necessary for an understanding of the invention, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2818.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

D. Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DANIEL LUCH
17161 COPPER HILL DRIVE
MORGAN HILL CA 95037

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Daniel Luch	:	
Application No. 12/927,444	:	ON PETITION
Filed: November 15, 2010		
Title: Substrate Structures For Integrated	:	
Series Connected Photovoltaic Arrays And	:	
Process Of Manufacture Of Such Arrays		

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 15, 2010, 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 and Declaration by applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2822 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DANIEL LUCH
17161 COPPER HILL DRIVE
MORGAN HILL, CA 95037

MAILED
NOV 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Daniel Luch	:	
Application No. 12/927,444	:	DECISION GRANTING PETITION
Filed: November 15, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 15, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 28, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2822 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DIW Nov-10

DEAN A. CRAINE
SUITE 140
400 - 112TH AVENUE NE
BELLEVUE WA 98004

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of	:	
Ib Odderson	:	DECISION ON PETITION
Application Number: 12/927508	:	
Deposited: 01/02/2009	:	
Attorney Docket Number: ODDS 107CIP	:	

This is a letter in response to the PETITION TO CLAIM PRIORITY FOR UTILITY PATENT APPLICATION filed on June 1, 2009. The letter is being treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date.

The Office apologizes for the delay in responding to the present petition.

The petition is **GRANTED**.

On January 2, 2009, four (4) pages of transmittal letter, 18 pages of specification, including 1 page containing claims, 1 page containing an abstract, three pages containing an executed declaration, and 11 pages of drawings were deposited in the USPTO as a part of prior-filed Application No. 11/021,299.

On June 1, 2009, the subject petition was also filed in the above-referenced prior-filed application.

Petitioners assert that the papers filed on January 2, 2009 were intended to be a new, continuation-in-part application, but were inadvertently filed as a part of the prior-filed application. Petitioners request that the papers be treated as a new application and accorded a filing date of January 2, 2009.

A review of the record reveals that on January 2, 2009, the above-referenced application papers were filed. As a specification, including the claims, and drawings were filed on January 2, 2009, .the application was complete for filing date purposes as of that date.

The application has been assigned Application No. **12/927,508**. All future correspondence regarding the subject continuation-in-part application must reference this application number.

The application is forwarded to the Office of Patent Application for further processing with a filing date of January 2, 2009, using the application papers filed on that date.

Telephone inquiries specific to this matter should be directed to the undersigned at 571 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRENDA POMERANCE
LAW OFFICE OF BRENDA POMERANCE
310 West 52 Street, Suite 27B
NEW YORK, NY 10019

MAILED

DEC 17 2010

OFFICE OF PETITIONS

In re Application of
Allan D. GRODY, et *al.*
Application No. 12/927,597
Filed: November 18, 2010
Attorney Docket No. **0710-4002**

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 November 18, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the certification of inventor Allan D. Grody attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to Technology Center at 571-272-3600.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to Art Unit 3695 for processing commensurate with this decision.

/Monica A. Graves/
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.
12/927,598	11/18/2010	Ki Tae Eom	87333(51529)	6835

21874 7590 12/07/2011
EDWARDS WILDMAN PALMER LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER
TRAN, KHOI H

ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
12/07/2011	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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC - 7 2011

EDWARDS ANGELL PALMER & DODGE LLP
PO BOX 55874
BOSTON, MASSACHUSETTS 02205

In re Application of: KI TAE EOM et al.	:	**PETITION TO ACCEPT COLOR DRAWINGS UNDER 37 C.F.R. 1.184 (a)(2) and (B) (2)**
Application No. 12/927,598	:	
Filed: November 18, 2010	:	
Attorney Docket No.: 87333 (51529)	:	

For: SYSTEM AND METHOD FOR DISPLAYING POWER STATUS OF HYBRID VEHICLE

This is in response to applicant's petition filed on November 18, 2010 to request the acceptance of color drawings submitted on November 18, 2010 under 37 C.F.R. 1.184 (a)(2) and (b) (2).

The petition is **Denied** to the extent indicated below.

A review of the file reveals that the Petitioner's failed to provide specific reasons as to why the color drawings are necessary per 37 CFR 1.84 (a)(2).

The requirement for color drawings under 37 CRF 1.184 (a)(2) requires:

On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph **explaining why the color drawings are necessary**.

For the reasons indicated above, Petitioner's request for color drawings on November 18, 2010 is hereby denied.

Any question regarding this decision should be directed to SPE Khoi Tran at (571) 272-6919.

Summary: ***Petition Denied***

Khoi H. Tran
Supervisory Patent Examiner Art Unit 3664
(571) 272-6919
KT – 12/06/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
DEC 30 2011
OFFICE OF PETITIONS

Constellation Law Group, PLLC
P.O. Box 220
Tracyton WA 98393

In re Application of	:	
Cohen, et al.	:	
Application No.: 12/927,609	:	ON PETITION
Filed: November 17, 2010	:	
Attorney Docket No. **SE1-0036C4-US**	:	

This is a decision on the "Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181(a)", December 14, 2011, which is also being treated as a petition under 37 CFR 1.137(b), to revive the above-identified application.

The petition to withdraw the holding of abandonment is **DISMISSED.**

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed December 10, 2010. The notice set a shortened period for reply of two-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A complete and proper response was not received within the allowable period and the application became abandoned on April 11, 2011. A Notice of Abandonment was mailed on November 29, 2011.

TREATMENT UNDER 37 CFR 1.181

Petitioner maintains that a response to the Notice to File Missing Parts of Non-Provisional Application was filed on April 7, 2011, but did not include replacement drawings as required by the notice. Petitioner states that petitioner overlooked the requirement for replacement drawings made in the December 10, 2011, notice and failed to receive the Notice of Incomplete Reply mailed April 18, 2011, which informed petitioner that the replacement drawings were not received.

Petitioner argument has been considered but is not persuasive as petitioner has not established that either the Notice to File Missing Parts of Non-Provisional Application that made first required replacement drawings to be filed was not received. Neither has petitioner established that a timely and complete reply to the Notice of December 10, 2011, was filed. The application was properly held abandoned on April

11, 2011, because a complete reply to the Notice of December 10, 2011, was not timely received. The petition under 37 CFR 1.181 is dismissed, accordingly.

TREATEMENT UNDER 37 CFR 1.137(b)

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $1860.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

MAILED

APR 25 2011

OFFICE OF PETITIONS

DON B. FINKELSTEIN, ESQ.
LAW OFFICES OF DON FINKELSTEIN
SUITE 216
3858 CARSON STREET
TORRANCE CA 90503

In re Application of	:	
Herzer	:	
Application No. 12/927,612	:	DECISION ON PETITION
Filed: November 19, 2010	:	PURSUANT TO
Attorney Docket No.: PA6048	:	37 C.F.R. § 1.28(c)
Title: PORTABLE GAS POWERED	:	
INTERNAL COMBUSTION ENGINE	:	
ARRANGEMENT	:	

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on March 23, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 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 C.F.R. § 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.

37 C.F.R. § 1.28(c)(2)(ii) sets forth that the party submitting the deficient payment must include:

(a) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
(b) The small entity fee actually paid, and when;
(c) The deficiency owed amount (for each fee

erroneously paid); and

(d) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Petitioner has identified the particular type of fees that were erroneously paid as a small entity, the small entity fees that were actually paid, and the deficiency owed amounts.

Petitioner has not identified either when the small entity fees were actually paid or the total deficiency payment owed.

The requirement that Petitioner must provide the Office with when the small entity fees were actually paid and the total deficiency payment owed is waived, *sua sponte*.

The deficiency payment in the amount of $792 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The Technology Center will be notified of this decision.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Bernardo J. Herzer
10866 Washington Boulevard
Suite 501
Culver City, CA 90232

UNITED STATES PATENT AND TRADEMARK OFFICE

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IMPERIUM PATENT WORKS LLP
P.O. BOX 607
PLEASANTON CA 94566

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Kenneth Sykes Patten	:	
Application No. 12/927,623	:	ON PETITION
Filed: November 18, 2010		
Attorney Docket No. PAT-001	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 18, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant's attorney that applicant is 65 years of age and a statement from applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit for 2839 for action on the merits commensurate with this decision.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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TOBIAS NOBIGROT
725 NE 22ND STREET APT 14F
MIAMI FL 33137

MAILED
SEP 23 2011
OFFICE OF PETITIONS

In re Application of
Tobias Nobigrot
Application No. 12/927,680
Filed: November 22, 2010
Title of Invention: **Singing and Speech Proprioception Device**

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181, filed September 19, 2011, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned February 15, 2011 for failure to timely reply to the Notice to File Corrected Application Papers mailed December 14, 2010 and which set a two month period for reply. Accordingly, a Notice of Abandonment was mailed August 22, 2011.

The file record discloses that the Notice to File Corrected Application was mailed to the address of record, the address also used for mailing the Notice of Abandonment which was in fact received, however, petitioner contends that it was not received. In support, petitioner provides a copy of the file jacket notes, wherein the Notice would have been filed, had it been received.

Based on the statement of non-receipt and the supporting evidence, it is concluded that the Office Action was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated.

No petition fee is due and none has been charged.

This matter will be referred to the Office of Patent Application Processing for a re-mailing of the Notice to File Corrected Application and for a re-starting of the period for reply.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

MAILED
JUL 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Walker, Brown, Paige, Xiao, and Keller	:	DECISION ACCORDING STATUS
Application No. 12/927,688	:	UNDER 37 CFR 1.47(a)
Filed: 11/19/2010	:	
Attorney Docket No. 1009.1001	:	
Title: SILENT DESENSITIZERS OF	:	
NEURONAL NACHR AND METHODS OF	:	
USE THEREOF	:	

This is in response to the petition under 37 CFR 1.47(a) filed June 24, 2011. Applicants obtained an extension of time for response within the third month. Accordingly, the petition is filed timely.

The petition under 37 CFR 1.47(a) is **granted**.

Applicants established that they sent a copy of the application papers to the address of the non-signing inventors' attorney. However, the non-signing inventors refused to sign the declaration and join in the application. Specifically, applicants assert that "the foregoing non-signing inventors have, through the actions and omissions of their counsel of record in conjunction with counsel for their employer, repeatedly refused to sign as co-inventors of the subject application and by overt and express, oral and written representations specifically conveyed their refusal to provide signatory copies of an oath/declaration that would, if so executed, avail them of purported inventorship status regarding the subject matter as disclosed and claimed in the subject application." *Petition, p. 3.*

The above-identified application and papers have been reviewed and are found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office finance records reveal that applicants submitted a $130.00 fee for the filing of the present petition. The Office notes that the current petition fee for a petition under 37 CFR 1.47(a) is $200.00. Accordingly, the Office will charge the Deposit Account for the deficient amount of $70.00.

The application is being returned to the Office of Patent Application Processing.

Inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Milton Brown
21212 Denit Estates Road
Brookeville, MD 20833

MAILED
JUL 20 2011
OFFICE OF PETITIONS

In re Application of :
Walker, Brown, Paige, Xiao, and Keller :
Application No. 12/927,688 :
Filed: 11/19/2010 :
Attorney Docket No. 1009.1001 :
Title: SILENT DESENSITIZERS OF :
NEURONAL NACHR AND METHODS OF USE :
THEREOF :

LETTER

Dear Mr. Brown:

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.

Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

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Mikell A. Paige
4637 Battenburg Lane
Fairfax, VA 22030

MAILED
JUL 20 2011
OFFICE OF PETITIONS

In re Application of :
Walker, Brown, Paige, Xiao, and Keller :
Application No. 12/927,688 : LETTER
Filed: 11/19/2010 :
Attorney Docket No. 1009.1001 :
Title: SILENT DESENSITIZERS OF :
NEURONAL NACHR AND METHODS OF USE :
THEREOF :

Dear Mikell A. Paige:

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.

Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

/S/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
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NEW YORK NY 10016

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Yingxian Xiao
11713 Tiffin Drive
Potomac, MD 20854

MAILED
JUL 20 2011
OFFICE OF PETITIONS

In re Application of :
Walker, Brown, Paige, Xiao, and Keller :
Application No. 12/927,688 : LETTER
Filed: 11/19/2010 :
Attorney Docket No. 1009.1001 :
Title: SILENT DESENSITIZERS OF :
NEURONAL NACHR AND METHODS OF USE :
THEREOF :

Dear Yingxian Xiao:

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.

Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

/s/
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
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NEW YORK NY 10016

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Kenneth J. Kellar
7109 Braeburn PL
Bethesda, MD 20817

MAILED
JUL 20 2011
OFFICE OF PETITIONS

In re Application of :
Walker, Brown, Paige, Xiao, and Keller :
Application No. 12/927,688 :
Filed: 11/19/2010 :
Attorney Docket No. 1009.1001 :
Title: SILENT DESENSITIZERS OF :
NEURONAL NACHR AND METHODS OF USE :
THEREOF :

LETTER

Dear Mr. Kellar:

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.

Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

/CS/
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
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NEW YORK NY 10016

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STUART M. GOLDSTEIN, ESQUIRE
HOLLSTEIN KEATING CATTELL JOHNSON & GOLDSTEIN P.C.
WILLOW RIDGE EXECUTIVE OFFICE PARK
750 ROUTE 73 SOUTH, SUITE 301
MARLTON, NEW JERSEY 08053

MAILED

DEC 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Alice Gaehring	:	
Application No. 12/927,743	:	ON PETITION
Date deposited: November 23, 2010		
Attorney Docket No. 2368.00001	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 23, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant's attorney that applicant is 65 years of age and a statement from applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

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Hollstein Keating Cattell Johnson & Goldstein, P.C.
Willow Ridge Executive Office Park
750 Rt. 73S., Suite 301
Marlton, NJ 08053

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of :
Alice Gaehring :
Application No. 12/927,743 : ON PETITION
Filed: November 23, 2010 :
Attorney Docket No. 2368.00001 :

This is a decision on the petition under 37 CFR 1.137(a), filed July 26, 2011, to revive the above-identified application.

The petition is **dismissed**.

The application was held abandoned for failure to file a reply to the Notice of Allowability (Notice) mailed on April 1, 2011. A Notice of Abandonment was mailed July 20, 2011.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee; (3) a showing to the satisfaction of the Director that the entire delay was unavoidable; 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The present petition lacks item (3).

With respect to item (3), the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).

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.

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).

Petitioner asserts "The unavoidable delay resulted from a docketing error on the part of the office of counsel, i.e. in the performance of a clerical function; that is following receipt of the examiner's amendment, the file was not docketed to address the drawing correction, but was docketed as awaiting issuance."

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that: (1) the error was the cause of the delay at issue; (2) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; (3) and the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care. See MPEP 711.03(c)(III)(C)(2).

An adequate showing requires statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts, as they know them. Petitioner must supply a thorough explanation of the docketing and call-up system in use and must identify the type of records kept and the person responsible for the maintenance of the system. This showing must include copies of mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing, and include an indication as to why the system failed in this instance to provide adequate notice that a reply was due. Petitioner must also supply information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

Unfortunately, absent the necessary evidence to establish that the delay was unavoidable, the present petition cannot be granted at this time.

ALERNATIVE VENUE

Petitioner may wish to file a petition under the unintentional provisions of 37 CFR 1.137(b)[1], which does not require a showing of the delay in timely responding to the Notice mailed April 1, 2011. A petition under 37 CFR 1.137(b) must be accompanied by the **$930**[2] (small entity) petition fee. For petitioner's convenience, a courtesy copy of a Petition under 37 CFR 1.137(b) is enclosed with this decision.

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) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

Enclosures: Privacy Act Statement and;
Petition under 37 CFR 1.137(b) - Form No. PTO/SB/64

[1] The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

[2] Effective September 26, 2011, the unintentional petition to revive fee was increased from $810 to $930.

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Willow Ridge Executive Office Park
750 Rt. 73S., Suite 301
Marlton, NJ 08053

MAILED

OCT 26 2011

OFFICE OF PETITIONS

In re Application of	:	
Alice Gaehring	:	
Application No. 12/927,743	:	DECISION ON PETITION
Filed: November 23, 2010	:	
Attorney Docket No. 2368.00001	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 11, 2011, to revive the above-identified application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of one (1) sheet of new drawing containing Figure 5; (2) the petition fee of $930; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Application of :
Stefanon et al. :
Application No. 12/927,769 :
Filed: November 19, 2010 :
Attorney Docket No. 058034-012401 :

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 19, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that the applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2857 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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June 6, 2011

GREENBERG TRAURIG LLP (LA)
c/o: Greenberg Traurig LLP Chicago Office
77 West Wacker Drive, Suite 3100
INTELLECTUAL PROPERTY DEPARTMENT
Chicago IL 60601

In re Application of	:	
Bruno Stefanon et al.	:	**DECISION ON PETITION**
Application No. 12927769	:	
Filed: 11/19/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 058034-012401	:	***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) November 19, 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, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. 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.

/Don Fairchild/
Office of Data Management
Publications Branch

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.
12/927,805	11/23/2010	Joseph Chappell	33322.00205.US26/205G	6735

13565 7590 08/02/2011
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER
KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
08/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Chappell, et al.
Serial No.: 12/927,805
Filed: November 23, 2010
Attorney Docket No: **33322.00205.US26/205G**

PETITION DECISION

This is in response to the petition filed on July 19, 2011 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on January 21, 2011 and May 4, 2011 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on January 21, 2011 and May 4, 2011. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on January 21, 2011 and May 4, 2011 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (January 21, 2011, "Transmittal Letter" of 5 pages and May 4, 2011, "Transmittal Letter" of 2 pages). Consequently, the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of January 21, 2011 and May 4, 2011.

DECISION

The petition is **GRANTED.**

The examiner is instructed to consider the IDS of January 21, 2011 and May 4, 2011 which was misclassified in PAIR as a "Transmittal Letter" (January 21, 2011, "Transmittal Letter" of 5 pages and May 4, 2011, "Transmittal Letter" of 2 pages).

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/927,806	11/24/2010	Robert Flippo	08242	8613

23877 7590 04/17/2012
THOMAS R SHAFFER
GLASSMIRE & SHAFFER LAW OFFICES, PC
5 EAST THIRD STREET
P O BOX 509
COUDERSPORT, PA 16915

EXAMINER
ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
04/17/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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THOMAS R SHAFFER
GLASSMIRE & SHAFFER LAW OFFICES, PC
5 EAST THIRD STREET
P O BOX 509
COUDERSPORT PA 16915

In re Application of:
FLIPPO, ROBERT, et al.
Application Serial No.: **12/927,806**
Filed: **November 24, 2010**
For: **COMMUNICATIONS METHOD**
Attorney Docket No.: **08242**

DECISION
ON PETITION

This is a decision on the petition, filed March 1, 2012, to withdraw the finality of the Office action pursuant to 37 CFR § 1.181.

Petitioner alleges that the Office action dated February 22, 2012 was prematurely made final under MPEP § 706.07(a), because it introduced a new ground of rejection that was not necessitated by applicant's amendment of the claims.

Petitioner seeks the withdrawal of the finality of the Office action of February 22, 2012.

BACKGROUND

On September 21, 2011 a non-final Office action was mailed rejecting claim 1 under 35 USC 103(a) as unpatentable over US 7,016,478 to Potorny et al. in view of US 6,298,229 to Tomlinson, Jr. et al. and US 2008/0246656 to Ghazarian. Claims 2-4 were objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

On December 9, 2011 applicant filed a response to the non-final Office action with amendment. In the response applicant canceled independent claim 1 and incorporated all of its limitation into claim 2 which had previously been directly dependent from claim 1. As a result, claim 2 was made independent, but not altered in scope. Similarly, dependent claims 3 and 4 which depend from claims 2 and 3, respectively, were not altered in scope.

On February 22, 2012 a final Office action was mailed. In that action, the examiner rejected claim 2 under 35 USC 112, second paragraph as being indefinite. The claim language for which the examiner based the indefiniteness was present in the previous version of claim 2. However, the claims were not previously rejected under 35 USC 112. Despite the reliance on new grounds for essentially unamended claim 2, the examiner made the action final.

REGULATIONS AND PRACTICE

MPEP 706.07(a) [R-6] Final Rejection, When Proper on Second Action states in part:

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

OPINION

A review of the record shows that in the Office action mailed February 22, 2012 the examiner introduced a new grounds of rejection that was neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement. Therefore, the finality of that action is improper.

Accordingly, the petition to withdraw finality is **GRANTED**.

As a result of the petition decision, the finality of the Office action mailed February 22, 2012 is withdrawn. Said action is considered non-final. The amendment filed April 9, 2012 will be entered and the electronic image file forwarded to the examiner for consideration in due course.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

/David A. Wiley/

David Wiley, Director
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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MICHAEL J. COLITZ, JR.
640 DOUGLAS AVENUE
DUNEDIN, FL 34698

MAILED

JAN 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Allen J. COHEN	:	
Application No. 12/927,878	:	DECISION ON PETITION
Filed: November 29, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **CJ 13/02-01**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 29, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the driver's license of inventor Allen J. Cohen, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the technology center at 571-272-1600.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 1655 for action on the merits commensurate with this decision.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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BURR & BROWN
PO BOX 7068
SYRACUSE NY 13261-7068

MAILED
FEB 21 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION
Sekiya, et al.	:	ON PETITION
Application No. 12/927,886	:	
Filed: November 29, 2010	:	
Attorney Docket Number: 947_075	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed November 29, 2010, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2856 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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The Juhasz Law Firm, P.C.
10777 Westheimer, Suite 1100
Houston TX 77042

MAILED
JAN 24 2012
OFFICE OF PETITIONS

In re Application of	:	
Jorge Miller et al.	:	
Application No. 12/927,936	:	DECISION ON PETITION
Filed: November 30, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. MIL/JL1112.003	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 22, 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 inventor Jorge Miller, 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.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center 1621 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

MAILED

DEC 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Barry James French et al.	:	
Application No. 12/927,943	:	ON PETITION
Filed: November 30, 2010	:	
Attorney Docket No. FRNHP0102USA	:	

This is a decision on the petition under 37 CFR 1.182, filed November 17, 2011, to change the order of the name of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Barry James French

2. Christopher John Dooley

Our records have been updated and a corrected Filing Receipt, which sets forth the changes as requested. A copy will be attached to this decision.

This application is being forwarded to the Office of Publications for further processing.

Telephone inquiries regarding 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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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/927,943	11/30/2010	3736	660	FRNHP0102USA	20	3

CONFIRMATION NO. 7942

CORRECTED FILING RECEIPT

OC000000051607242

23908
RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

Date Mailed: 12/21/2011

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)

Barry James French, Bay Village, OH;
Christopher John Dooley, Medina, OH;

Power of Attorney: The patent practitioners associated with Customer Number 23908

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/283,156 11/30/2009

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 12/16/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/927,943**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Augmented reality for testing and training of human performance

Preliminary Class

600

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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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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Robert C. Brown
1207 Sandhurst Drive
Tallahassee FL 32312

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Albert Edwin Bryan	:	
Application No. 12/927,954	:	DECISION ON PETITION
Filed: November 30, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **RB-0132**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 30, 2010, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the inventor. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for action on the merits commensurate with this decision.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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William W. Wells
3527 Sunset Beach Dr NW
Olympia WA 98502

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
William W. Wells	:	
Application No. 12/928,000	:	DECISION ON PETITION
Filed: December 1, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 1, 2010, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the inventor. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for action on the merits commensurate with this decision.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
NOV 18 2011
OFFICE OF PETITIONS

ELLIOT MCGUCKEN
817 LEVERING AVE., #14
LOS ANGELES, CA 90024

In re Application of	:	
Elliot MCGUCKEN	:	
Application No. 12/928,006	:	DECISION ON PETITION
Filed: December 1, 2010	:	
no Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 26, 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 above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed December 17, 2010, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 18, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). 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 Commissioner may require additional information. *See* MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s): (1) and (2).

Petitioner indicates that 1) the $26 additional claim fee has been paid and that 2) the petition fee of $810 has been paid. However, as of September 26, 2011, the fees are: $30 for the additional claim fee and $930 for the petition fee. Thus, Petitioner owes the additional $4 and $120 for a total balance due of $124.

Telephone inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or in her absence, the undersigned at (571) 272-7099.

The application is being referred to the Office of Data Management.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
MAR 22 2012
OFFICE OF PETITIONS

DOCKET CLERK
PO DRAWER 800889
DALLAS TX 75380

In re Application of	:	DECISION
Akihiro Maruyama	:	ON PETITION
Application No. 12/928,117	:	
Filed: December 3, 2010	:	
Attorney Docket Number: P17744-US	:	
(SAMS05-17744)	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed February 28, 2011, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not necessary for an understanding of the invention and are not the only practical medium by which to disclose the subject matter sought to be patented in the utility application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2821 for examination in due course.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Jose Dees
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

JAN 07 2011

OFFICE OF PETITIONS

MICHAEL J. COLITZ, JR.
640 DOUGLAS AVENUE
DUNEDIN FL 34698

In re Application of	:	
Wetherup, Vincent Ross	:	
Application No. 12/928,169	:	ON PETITION
Filed: December 6, 2010	:	
Attorney Docket No. WJ25/01	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 6, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a copy of Vincent Ross Wetherup's Ontario Canada driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3633 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALLEN LEROY LIMBERG, ESQ.
1053 KENSINGTON STREET
PORT CHARLOTTE FL 33952

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Allen LeRoy Limberg	:	
Application No. 12/928,186	:	DECISION ON PETITION
Filed: December 6, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ALRL 132	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 27, 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 inventor Allen LeRoy Limberg and a photocopy of driver's license 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 2117 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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David W. Carrithers
CARRITHERS LAW OFFICE, PLLC
The 1000 Building
6200 Dutchman's Lane, Suite 206
Louisville, KY 40205

MAILED
MAY 31 2011
OFFICE OF PETITIONS

In re Application of Thomas Canedy, Jr. :
Application No. 12/928,200 :
Filing Date: December 6, 2010 :
Attorney Docket No. AM136/2009.4 :

Decision on Petition

This is a decision in response to the petition filed March 2, 2011, requesting, in effect, that Figures 5 and 6 of the drawings filed March 2, 2011, be entered as part of the original disclosure.

The petition is **granted**.

The application was filed December 6, 2010.

The Office of Patent Application Processing mailed a "Notice to File Missing Parts of Nonprovisional Application" on December 23, 2010. The notice stated Figures 5 and 6 of the drawings did not appear to be part of the application as filed.

In response, the present petition was filed. Petitioner alleges Figures 5 and 6 were filed as part of the application papers. Petitioner has supplied one drawing sheet containing Figure 5 and one drawing sheet containing Figure 6.

The Office's image file wrapper for this application only includes two sheets of drawings, which set forth Figures 1-4, filed December 6, 2010. However, Petitioner has submitted a postcard receipt acknowledging receipt of drawings consisting of "Figs. 1-6 (Four Pages)" on December 6, 2010.[1] Therefore, the Office is persuaded that the two drawings sheets, which set forth Figures 5 and 6, were part of the originally filed application but were later misplaced by the Office.

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

The petition fee of $400 has been credited to Deposit Account No. 50-0642 as requested in the petition.

The Office of Patent Examination Processing will be informed of the instant decision and the application will be processed with a filing date of December 6, 2010, using the application papers filed December 6, 2010, and the copy of the two drawings sheets, which include Figures 5 and 6, filed March 2, 2011.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SLATER & MATSIL, L.L.P.
17950 PRESTON RD, SUITE 1000
DALLAS TX 75252-5793

MAILED
OCT 25 2011
OFFICE OF PETITIONS

In re Application of :
Logvinov, et al. :
Application No. 12/928,218 : ON PETITION
Filed: December 6, 2010 :
Attorney Docket No. ST-EPL-077C :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 6, 2011, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned March 1, 2011 for failure to timely submit a proper reply to the Notice of File Corrected Application Papers (Notice) mailed December 29, 2010. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed September 12, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being directed to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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DONALD BELLERIVE
10711 DEER RUN FARMS ROAD
FORT MYERS FL 33966

MAILED
JAN 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Donald Bellerive	:	
Application No. 12/928,246	:	DECISION ON PETITION
Filed: December 7, 2010		
Title: Swimming Exercising Device	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 7, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

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

Any papers 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 attorney or 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); 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.

In the instant petition to make special based on applicant's age the Declaration was not signed by the applicant. Form PTO/SB/130 is enclosed for applicant's convenience.

Further, petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop. PETITIONS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/130 form

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED
AUG 17 2011
OFFICE OF PETITIONS

In re Application of
Ted V. Raine, et al.
Application No. 12/928,277
Filed: December 7, 2010
Attorney Docket No. RPLI.001C1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed June 23, 2011.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

A review of the file record indicates that Knobbe, Martens, Olson & Bear, LLP does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

There are no pending Office actions at the present time.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: TED V. RAINE
372 LOOKOUT DRIVE
LAGUNA BEACH, CA 92651

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

SEP 26 2011

OFFICE OF PETITIONS

Mark Ogram
Ste. 110-186
6990 E. 22nd St.
Tucson AZ 85710-5192

In re Application of	:	
Eric Stephen KINCEL	:	ON PETITION
Application No. 12/928,300	:	
Filed: December 8, 2010	:	
Atty. Docket No.: 9050 N.2	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed January 10, 2011 (Notice), which set a shortened period for reply of two (2) months. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned June 11, 2011. A Notice of Abandonment was mailed August 22, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Notice mailed January 10, 2011, (2) a petition fee of $810, and (3) a statement of unintentional delay. The reply to the Notice is accepted as being unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Office of Patent Application Processing for consideration of the filed Response.

Anthony Knight
Director
Office of Petitions

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MAILED

MAR 10 2011

OFFICE OF PETITIONS

DAVIS WRIGHT TREMAINE LLP - SAN FRANCISCO
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO, CA 94111

In re Application of :
Van Der Loo, et al. :
Application No.: 12/928,302 : DECISION GRANTING PETITION
Filed: December 6, 2010 :
Attorney Docket No.:0088544-005US0 :

This is a decision in response to the petition filed January 24, 2011, requesting that the above-identified application be accorded a filing date of December 6, 2010, instead of the presently accorded date of December 8, 2010 under the provisions of 37 CFR 1.10.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service with the U. S. Postal Service (USPS) on December 6, 2010. In support, petitioners provided, inter alia, a copy of the "Express Mail" mailing receipt label No. EH 821937315 US, showing a "Date-In" of 12/6/10, and a copy of a letter signed by the post master of the USPS noting that the package in question was personally accepted by him on December 6, 2010. The same express mail label receipt number appears on the transmittal letter found in the file.

The evidence is convincing that the Express Mail package was entrusted to the USPS on December 6, 2010, and that this application is entitled to the requested filing date,

The petition is granted. Under the circumstances, no petition fee is required. The $400 petition fee is being refunded in the form of a credited to counsel's deposit account.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing, including correction of the filing date to **December 6, 2010** and issuance of an Official filing receipt.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Iandiorio Teska & Coleman
255 Bear Hill Road
Waltham, MA 02451

MAILED

SEP 23 2011

OFFICE OF PETITIONS

In re Application of	:	
Thomas LaPorta, et. al.	:	
Application No. 12/928,328	:	DECISION ON PETITION
Filed: December 9, 2010	:	TO WITHDRAW FROM
Attorney Docket No. LAP-102J	:	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 12, 2011.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

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).

A review of the file record indicates that Roy J. Coleman and the attorneys/agents associated with Customer Number 32488 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[1].

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: Thomas LaPorta
3015 North Ocean Blvd.
Unit 17G
Ft. Lauderdale, FL 33308

[1] The Power of Attorney filed on December 9, 2010, was not accepted since it failed to comply with the requirements of 37 CFR 3.73(b).

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Paper No.

MAILED

SEP 29 2011

OFFICE OF PETITIONS

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

In re Application of	:	
Rosenthal	:	
Application No. 12/928,386	:	DECISION ON PETITION
Filed: December 9, 2010	:	PURSUANT TO
Attorney Docket No.: 211,201	:	37 C.F.R. § 1.181(A)
Title: CSP-CONTINUOUS CASTING	:	
PLANT WITH AN ADDITIONAL	:	
ROLLING LINE	:	

This is a decision on the petition filed September 21, 2011, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

Receipt of the concurrently submitted two-page declaration and the fee associated with the late submission of the same is acknowledged. It is noted that the inventorship listed on this declaration differs from that which was submitted on original deposit. As such, Office records have been updated to reflect that Mr. Rosenthal is the sole inventor, pursuant to 37 C.F.R. § 1.48(f).

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed January 5, 2011, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on March 6, 2011. A notice of abandonment was mailed on September 14, 2011.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable** (emphasis added). It is expected that the record would include, but not be limited to, the application

number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

ANALYSIS

With this petition, Petitioner has stated that the Office action was not received at the correspondence address of record[1] and that a search of the "file of the application" was performed, and the relevant Office communication was not located.[2] Petitioner has further provided both a copy of the master docket for the relevant time period[3] and a copy of the docket report that is associated with this particular application.[4]

1 Petition, page 2.
2 Id.
3 Attachment entitled "Due Date List By Date."
4 Attachment entitled "Country Application."

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

Petitioner has failed to either describe the docketing system that Petitioner has in place or establish that it is sufficiently reliable. Petitioner has indicated that an "entry in each computer docket is made when correspondence related to the subject application is received from the U.S. Patent and Trademark Office."[5] However, **the petition is silent as to how the computer docket serves to ensure that the correspondence recorded therein is responded to in a timely manner. Does this computer-based docketing software program generate reports that are distributed to the responsible attorneys/agents? Does it generate periodic reminders prior to the due dates? If so, are these reminders distributed to the responsible attorneys/agents?**

On renewed petition, this matter should be further developed.

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9]

Statements based on hearsay will not normally be accepted.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries

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5 Petition, page 2.
6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300: please note this is a central facsimile number.
9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

concerning examination procedures should be directed to the Technology Center.

Paul Shanoski
Senior 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.

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

MAILED

OCT 11 2011

OFFICE OF PETITIONS

In re Application of Rosenthal Application No. 12/928,386 Filed: December 9, 2010 Attorney Docket No.: 211,201 Title: CSP-CONTINUOUS CASTING PLANT WITH AN ADDITIONAL ROLLING LINE	: : : : : : :	DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.181(A)

This is a decision on the renewed petition filed October 4, 2011, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed January 5, 2011, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on March 6, 2011. A notice of abandonment was mailed on September 14, 2011.

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on September 21, 2011, which was dismissed via the mailing of a decision on September 29, 2011, which indicated, *in pertinent part*:

> Petitioner has failed to either describe the docketing system that Petitioner has in place or establish that it is sufficiently reliable. Petitioner has indicated that an "entry in each

> computer docket is made when correspondence related to the subject application is received from the U.S. Patent and Trademark Office."[1] However, **the petition is silent as to how the computer docket serves to ensure that the correspondence recorded therein is responded to in a timely manner. Does this computer-based docketing software program generate reports that are distributed to the responsible attorneys/agents? Does it generate periodic reminders prior to the due dates? If so, are these reminders distributed to the responsible attorneys/agents?**
>
> Decision on original petition, page 4. Emphasis included.

With this renewed petition, Petitioner has explained that the computer-based docketing software automatically generates all relevant due dates, and extracts all relevant due dates when a master docket is prepared. These master dockets are distributed to all attorneys and agents of the firm on a weekly basis.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the notice of January 5, 2011 was not received, pursuant to MPEP § 711.03(c).

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

It is noted that a fully executed, four-page declaration was included with this renewed petition. The inventorship listed thereon differs from the fully executed, two-page declaration which was received on September 21, 2011 (with this renewed petition, Petitioner has explained that the two-page declaration was incomplete). Pursuant to 37 C.F.R. § 1.48(f)(1), inventorship is set by the first submission of an executed

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1 Petition, page 2.

declaration. As such, inventorship was set by the declaration that was received on September 21, 2011, and a petition pursuant to 37 C.F.R. § 1.48(a) is required in order for Messrs. Schwellenbach and Neifer to be added as inventive entities.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[2]

Paul Shanoski
Senior Attorney
Office of Petitions

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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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MACRONIX
C/O HAYNES BEFFEL & WOLFELD LLP
P. O. BOX 366
HALF MOON BAY CA 94019

MAILED

FEB 13 2012

OFFICE OF PETITIONS

In re Application of :
Chien et al. :
Application No. 12/928,396 : ON PETITION
Filed: 12/10/2010 :
Attorney Docket No. MXIC 1948-2 :

This is in response to the PETITION UNDER 37 CFR §1.84 filed in the United States Patent and Trademark Office (USPTO) on December 10, 2010, which is treated as a Petition Under 37 C.F.R. 1.84(a)(2) for Acceptance of Color Drawing

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).

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 request acceptance of color Figures 12 and 13 on the basis that color drawings are a practical medium by which to disclose results of simulations of subject matter sought to be patented in the present application, and in particular to disclose without ambiguity the wide range of electrical file values related to aspects of the invention.

Petitioner's argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As color drawings or photographs are not necessary for an understanding of the invention sought to be patented, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2827.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TOKITAE LLC
11235 S.E. 6TH STREET, SUITE 200
BELLEVUE WA 98004

MAILED

MAY 20 2011

OFFICE OF PETITIONS

In re Application of	:	
ACAR, et al	:	
Application No. 12/928,460	:	DECISION ON PETITION
Filed: December 10, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 0209-036-001-000000	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 4, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement made by registered attorney Elizabeth E. Nugent, 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 the undersigned at (571) 272-6735.

All other telephone inquiries should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred back to the Office of Data Management for further processing. This application will be accorded "special" status when pre-examination processing is done.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: PLR-00SA-24396.07P	Application Number (if known): 12/928,482	Filing date: December 13, 2010

First Named Inventor: Urs Wenger

Title: ELECTRIC VEHICLE AND ON-BOARD BATTERY CHARGING APPARATUS THEREFOR

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: 1. Statement of Special Status 2. Publication Fee

Signature /Jessica L. Van Dalen/	Date August 11, 2011
Name (Print/Typed) Jessica L. Van Dalen	Registration Number 66,707

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

■ *Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

		Confirmation No.: 7177
Application No.:	12/928,482	
Applicants:	Urs Wenger	
Filed:	December 13, 2010	
Title:	ELECTRIC VEHICLE AND ON-BOARD BATTERY CHARGING APPARATUS THEREFOR	
Art Unit:	3618	
Examiner:	Katy E. Meyer	
Atty. Docket No.:	PLR-00SA-24396.07P	
Customer No.:	93175	

STATEMENT OF SPECIAL STATUS UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

This Statement of Special Status accompanies a Petition to Make Special under the Green Technology Pilot Program.

The present application materially contributes to the more efficient utilization and conservation of energy resources, pursuant to Section III(2) of Notice No. PTO-P-2009-0038, Federal Register, Vol. 74, No. 234 (hereinafter "the Notice"). The present application claims a method of controlling an engine of an electric vehicle that includes a generator driven by the engine and an electric motor driven by a battery. More particularly, the arrangement of the electric vehicle with an onboard engine/generator "is referred to as a range extender as the onboard engine/generator extends the range that the vehicle can travel on the battery pack before a complete recharge" (Para. [0003]). "In this manner the combustion engine can be operated with a very good efficiency in all operating aspects, which has a positive effect on…fuel consumption of the aggregate" (Para. [0004]). As such, the vehicle recited in the pending claims reduces the energy consumption in combustion systems. Therefore, the present application materially contributes to the more efficient utilization and conservation of energy resources.

Additionally, the present application materially contributes to the reduction of greenhouse gas emissions, pursuant to Section III(3) of the Notice. More particularly, "the combustion engine can be operated with a very good efficiency in all operating aspects, which has a positive effect on CO_2 emissions" (Para. [0004]). For at least these reasons, the present application materially contributes to the reduction of greenhouse gas emissions.

Applicants respectfully submit that the present application satisfies the other eligibility requirements for participation in the Green Technology Pilot Program. For example, the present application contains no more than 20 claims and three (3) independent claims and does not contain any multiple dependent claims..

The application already published as Publication No. 2011/0147106 A1. If necessary, Applicants authorize payment of the publication fee of $300 set forth in 37 CFR 1.18(d) from Deposit Account No. 02-0385, Baker & Daniels LLP.

In the event Applicants have overlooked the need for payment of an additional fee, Applicants hereby petition therefor and authorize that any charges be made to the same deposit account.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 317-237-1130.

Respectfully submitted,

/Jessica L. Van Dalen/

Jessica L. Van Dalen, Reg. No. 66,707
Attorney for Applicants
BAKER & DANIELS LLP
300 North Meridian Street, Suite 2700
Indianapolis, Indiana 46204
Telephone (direct): 317-237-1054
Facsimile: 317-237-1000

Date Submitted: August 11, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/928,482	12/13/2010	Urs Wenger	PLR-00SA-24396.07P	7177

93175 7590 09/16/2011
Baker & Daniels LLP-Polaris
300 N. Meridian Street
Suite 2700
Indianapolis, IN 46204

EXAMINER
EBNER, KATY MEYER

ART UNIT	PAPER NUMBER
3618	

NOTIFICATION DATE	DELIVERY MODE
09/16/2011	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):

inteas@bakerd.com
lani.dick@polarisind.com
cynthia.payson@bakerd.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 1 5 2011

Baker & Daniels LLP-Polaris
300 N. Meridian Street
Suite 2700
Indianapolis IN 46204

In re Application of	:	
URS WENGER et al.	:	DECISION ON PETITION
Application No. 12/928,482	:	TO MAKE SPECIAL UNDER
Filed: December 13, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No.PLR-00SA-24396.07P	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, the claimed hybrid vehicle uses an onboard fuel driven combustion engine for charging the battery packs whereby the combustion engine typically uses gasoline/fossil fuels to generate power and produces carbon dioxide which is a greenhouse gas. In using the combustion engine to generate power to operate the vehicle, not only the claimed invention does not reduce greenhouse gas emission, there is no evidence in the disclosure of the application that the claimed vehicle contributes to the more efficient utilization and conservation of energy resources such as petroleum/fossil fuels. Petitioner asserts in the statement of special status that the onboard engine/generator is used as a range extender. However, it is noted that as petitioner's vehicle runs on power generated by the combustion engine to extend the vehicle's travel range, the vehicle consumes fossil fuels which emit carbon dioxide/greenhouse gases. It is unclear how the combustion engine can have a positive effect on fuel consumption or greenhouse gas emissions. Therefore, petitioners' assertion of the claimed invention's contribution to the more efficient utilization and conservation of energy resources is considered speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3618 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	12/928,482	*Confirmation No.:* 7177
Applicants:	Urs Wenger	
Filed:	December 13, 2010	
Title:	ELECTRIC VEHICLE AND ON-BOARD BATTERY CHARGING APPARATUS THEREFOR	
Art Unit:	3618	
Examiner:	Katy E. Meyer	
Atty. Docket No.:	PLR-00SA-24396.07P	
Customer No.:	93175	

REQUEST FOR RECONSIDERATION OF SPECIAL STATUS UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

In response to the Decision on Petition to Make Special Under The Green Technology Pilot Program, dated September 16, 2011 (hereinafter "the Decision"), Applicants respectfully request that the above-identified patent application be reconsidered for special status under The Green Technology Pilot Program. According to the Decision, Applicants' Statement of Special Status, filed on August 11, 2011, was insufficient to explain how the materiality standard was met, pursuant to Notice No. PTO-P-2009-0038, Federal Register, Vol. 74, No. 234 (hereinafter "the Notice"). In particular, the Decision stated that "[i]n using the combustion engine to generate power to operate the vehicle, not only [does] the claimed invention [not] reduce greenhouse gas emission, there is no evidence…that the claimed vehicle contributes to the more efficient utilization and conservation of energy resources" (Page 2, ¶ 4).

Applicants respectfully submit that the present application should be afforded special status under The Green Technology Pilot Program because the claimed method of controlling an engine of an electric vehicle recites an electric vehicle, including a generator driven by the

engine, an electric motor driven by a battery, and a transmission having a plurality of gears, which materially contributes to the more efficient utilization and conservation of energy resources, pursuant to Section III(2) of the Notice. Additionally, pursuant to Section III(3) of the Notice, Applicants respectfully submit that the claimed method of controlling an engine of an electric vehicle and the electric vehicle recited therein materially contribute to the reduction of greenhouse gas emissions, thereby rendering the present application appropriate for special status under The Green Technology Pilot Program.

More particularly, it is well known that electric vehicles, including those with a range extender as disclosed in the present application, operate with "very good efficiency in all operating aspects, which has a positive effect on…fuel consumption of the aggregate" (Para. [0004]). Since the range extender "only operates for the purpose of charging the system batteries and…is not constantly running," fuel is conserved during use of the electric vehicle (Para. [00121]).

The fuel efficiency and extended traveling range of an electric range extender vehicle are well documented and known within the automotive industry. While it may be difficult to consistently quantify the outcome of the effect of the range extender on all-terrain vehicles due to various and unpredictable driving conditions (e.g., trails, off-road applications, hill climbing), similar testing for on-road vehicles showed that range extenders reduced the fuel consumption of electric vehicles. For example, as shown in FIG. 13a below,[1] General Motors Corporation used vehicle test data from 175 days in which both conventional internal combustion engine vehicles and advanced technology vehicles were driven less than 75 miles per day to conclude that electric range extender vehicles, labeled "E-REV" in FIG. 13a, consumed approximately 80% less fuel than conventional internal combustion engine vehicles, labeled "Conventional" in FIG. 13a.

[1] Reproduced from E.D. Tate et al., The Electrification of the Automobile: From Conventional Hybrid, to Plug-In Hybrids, to Extended-Range Electric Vehicles, reprinted from *Advanced Vehicle Powertrain, 2008*, SAE Technical Paper Series 2008-01-0458, 2008 World Congress, Detroit, Michigan, April 14-17, 2008, Page 8, available at http://media.gm.com/content/dam/Media/microsites/product/volt/docs/paper.pdf, last accessed on October 13, 2011.

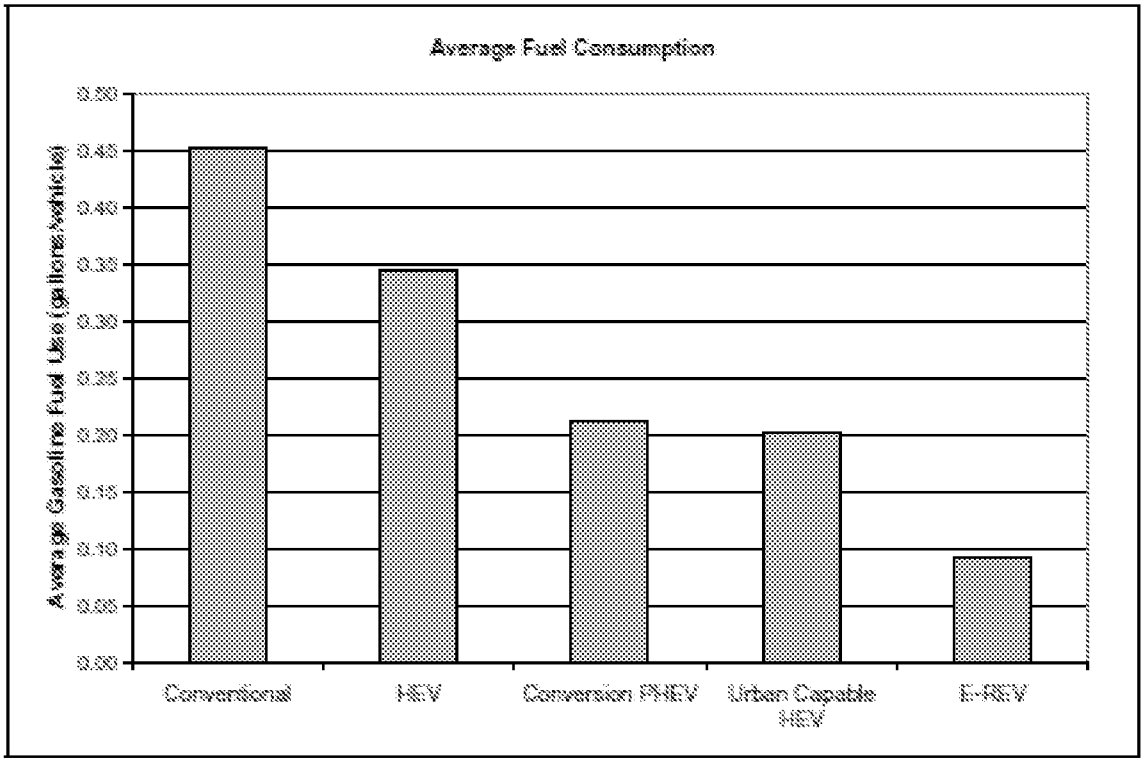

Figure 13a – Average fuel usage over the complete RTS dataset

Additionally, it is well known that the carbon footprint of an electric vehicle is less than that of a vehicle operated by an internal combustion engine. For example, the claimed electric range extender vehicle only outputs exhaust when the engine is operated. As detailed above, the engine operates only to charge the batteries and is not continuously running throughout operation of the electric vehicle. Furthermore, "the combustion engine can be operated with a very good efficiency in all operating aspects, which has a positive effect on CO_2 emissions" (Para. [0004]).

As with fuel efficiency, the emissions efficiency of electric range extender vehicles also is well documented and known within the automotive industry. For example, Derek Crabb, Vice President Powertrain Engineering at Volvo Car Corporation, stated that "[w]ith the Range Extender, the electric car has its effective range increased by a thousand kilometers, yet with carbon dioxide emissions below or way below 50g/km,"[2] which represents the maximum allowable fuel emissions levels for non-road vehicles, such as all-terrain vehicles, as set forth by

the U.S. Environmental Protection Agency[3] and is the desired emission standard for light commercial vehicles, as set forth by the European Union.[4] Additionally, General Motors Corporation performed emissions tests on conventional internal combustion engine vehicles and advanced technology vehicles and concluded that electric range extender vehicles "contribute to far lower early morning emissions, particularly hydrocarbons" and that "[t]he [plug-in electric vehicle] and [electric range extender vehicle] are positive steps toward the goals of energy diversification, fuel savings, and emissions reduction."[5]

Applicants' disclosure and position stated herein is consistent with the current Obama Administration and the U.S. Department of Energy (hereinafter "DOE") with respect to advanced technology vehicles; however, it appears that the USPTO is taking a position contrary thereto. In particular, in President Obama's 2011 State of the Union address, he called for putting one million electric vehicles – a term that includes plug-in hybrid vehicles, extended range electric vehicles, and all-electric vehicles – on the road by 2015. To support this effort, President Obama has proposed steps to encourage America's leadership in the field of electric vehicles, such as improving the tax credits available to purchasers of electric vehicles, infrastructure programs aimed at helping cities prepare for increased demand for electric vehicles, and support for research and development of electric vehicles.[6]

Additionally, the U.S. Department of Energy – Energy Efficiency and Renewable Energy, Alternative Fuels and Advanced Vehicles Data Center put forth a publication entitled Benefits of Hybrid and Plug-In Electric Vehicles, which states that "[h]ybrid electric vehicles (HEVs), plug-in electric vehicles (PHEVs), and all-electric vehicles (EVs) have many benefits compared with conventional vehicles: better fuel economy, **lower emissions**, lower fuel costs,

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[2] Volvo developing extended-range electric vehicle concepts with three different technology combinations, Green Car Congress, available at http://www.greencarcongress.com/2011/07/volvore-20110711.html, Page 1, last accessed on October 13, 2011.

[3] U.S. Environmental Protection Agency, Emissions Standards Reference Guide, Nonroad Recreational Engines and Vehicles – Exhaust Emissions Standards, available at http://www.epa.gov/otaq/standards/nonroad/rec-exhaust.htm, last accessed on October 13, 2011.

[4] http://www.theicct.org/2011/03/european-co2-emission-performance-standards-for-light-commercial-vehicles/, last accessed on October 13, 2011.

[5] E.D. Tate et al., The Electrification of the Automobile: From Conventional Hybrid, to Plug-In Hybrids, to Extended-Range Electric Vehicles, at Pages 9-10 (see Note 1).

[6] One Million Electric Vehicles By 2015 – February 2011 Status Report, United States of America Department of Energy, available at http://www1.eere.energy.gov/vehiclesandfuels/pdfs/1_million_electric_vehicles_rpt.pdf, last accessed on October 4, 2011.

increased energy security, and more fueling flexibility.[7] This publication also states that "emissions" from advanced technology vehicles may be produced by electric power plants, however, "[m]ost categories of emissions are **lower** for electricity generated from power plants than from engines running on gasoline or diesel."[8] Furthermore, power plants outputting "electricity…generated from nonpolluting, renewable sources [produce] no emissions."[9]

In view of the foregoing, Applicants do not understand how the USPTO policy in regards to green technology can take a position contrary to the policies of the Obama Administration and the DOE with respect to the same topic. Furthermore, Applicants' assertion that the claimed method of controlling an engine of an electric vehicle contributes to the more efficient utilization and conservation of energy resources is not speculative because it is well known within the automotive industry that electric vehicles reduce fuel consumption and greenhouse gas emissions, as demonstrated herein. Additionally, Applicants' assertion is consistent with the Obama Administration's and the DOE's position on advanced technology vehicles. Therefore, Applicants submit that the claimed method of operating an engine of an electric vehicle having a generator driven by the engine, an electric motor driven by a battery, and a transmission having a plurality of gears materially contributes to the reduction in greenhouse gas emissions and the more efficient utilization and conservation of energy resources for at least the foregoing reasons that are well known and widely recognized by current congressional policies.

Applicants respectfully submit that the present Request for Reconsideration, as well as the Petition to Make Special Under The Green Technology Pilot Program previously filed on August 11, 2011, satisfies the other eligibility requirements for participation in the Green Technology Pilot Program.

The application already published as Publication No. 2011/0147106 A1. On August 11, 2011, Applicants authorized payment of the publication fee of $300 set forth in 37 CFR 1.18(d) from Deposit Account No. 02-0385, Baker & Daniels LLP.

In the event Applicants have overlooked the need for payment of an additional fee, Applicants hereby petition therefor and authorize that any charges be made to the same deposit account.

If any questions concerning this application should arise, the Examiner is encouraged to

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[7] See http://www.afdc.energy.gov/afdc/vehicles/electric_benefits.html, last accessed on October 4, 2011 (emphasis added).
[8] *Id.* (emphasis added).

telephone the undersigned at 317-237-1130.

Respectfully submitted,

/Eric J. Groen/

Eric J. Groen
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Date Submitted: October 14, 2011

[9] *Id.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/928,482	12/13/2010	Urs Wenger	PLR-00SA-24396.07P	7177

93175 7590 11/09/2011
Baker & Daniels LLP-Polaris
300 N. Meridian Street
Suite 2700
Indianapolis, IN 46204

EXAMINER
EBNER, KATY MEYER

ART UNIT	PAPER NUMBER
3618	

NOTIFICATION DATE	DELIVERY MODE
11/09/2011	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):

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lani.dick@polarisind.com
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Suite 2700
Indianapolis IN 46204

Nov. 09, 2011

In re Application of	:	
Wenger et al.	:	DECISION ON PETITION
Application No. 12/928,482	:	TO MAKE SPECIAL UNDER
Filed: 12/13/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **PLR-00SA-24396.07P**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 10/14/2011, 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 Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 3618 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 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: PLR-00SA-24396.05P	Application Number (if known): 12/928,493	Filing date: December 13, 2010

First Named Inventor: Urs Wenger

Title: ELECTRIC VEHICLE AND ON-BOARD BATTERY CHARGING APPARATUS THEREFOR

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: 1. Statement of Special Status 2. Publication Fee

Signature /Jessica L. Van Dalen/	Date August 11, 2011
Name (Print/Typed) Jessica L. Van Dalen	Registration Number 66,707

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

■ *Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	12/928,493	*Confirmation No.:* 3727
Applicants:	Urs Wenger	
Filed:	December 13, 2010	
Title:	ELECTRIC VEHICLE AND ON-BOARD BATTERY CHARGING APPARATUS THEREFOR	
Art Unit:	3655	
Examiner:	Roger L. Pang	
Atty. Docket No.:	PLR-00SA-24396.05P	
Customer No.:	93175	

STATEMENT OF SPECIAL STATUS UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

This Statement of Special Status accompanies a Petition to Make Special under the Green Technology Pilot Program.

The present application materially contributes to the more efficient utilization and conservation of energy resources, pursuant to Section III(2) of Notice No. PTO-P-2009-0038, Federal Register, Vol. 74, No. 234 (hereinafter "the Notice"). The present application relates to a method of controlling an engine of an electric vehicle. More particularly, the arrangement of an electric vehicle with an onboard engine/generator "is referred to as a range extender as the onboard engine/generator extends the range that the vehicle can travel on the battery pack before a complete recharge" (Para. [0003]). "In this manner the combustion engine can be operated with a very good efficiency in all operating aspects, which has a positive effect on…fuel consumption of the aggregate" (Para. [0004]). As such, the vehicle recited in the pending claims reduces the energy consumption in combustion systems. Therefore, the present application materially contributes to the more efficient utilization and conservation of energy resources.

Additionally, the present application materially contributes to the reduction of greenhouse gas emissions, pursuant to Section III(3) of the Notice. More particularly, "the combustion engine can be operated with a very good efficiency in all operating aspects, which has a positive effect on CO_2 emissions" (Para. [0004]). For at least these reasons, the present application materially contributes to the reduction of greenhouse gas emissions.

Applicants respectfully submit that the present application satisfies the other eligibility requirements for participation in the Green Technology Pilot Program. For example, the present application contains no more than 20 claims and three (3) independent claims and does not contain any multiple dependent claims.

The application has already published as Publication No. 2011/0165991 A1. Applicants authorize payment of the publication fee of $300 set forth in 37 C.F.R. § 1.18(d) from Deposit Account No. 02-0390, Baker & Daniels LLP.

In the event Applicants have overlooked the need for payment of an additional fee, Applicants hereby petition therefor and authorize that any charges be made to the same deposit account.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 317-237-0300.

Respectfully submitted,

/Jessica L. Van Dalen/

Jessica L. Van Dalen
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Date Submitted: August 11, 2011

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/928,493	12/13/2010	Urs Wenger	PLR-00SA-24396-05P	3727

93175 7590 09/16/2011
Baker & Daniels LLP-Polaris
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EXAMINER
PANG, ROGER L

ART UNIT	PAPER NUMBER
3655	

NOTIFICATION DATE	DELIVERY MODE
09/16/2011	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):

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Indianapolis IN 46204

In re Application of	:	
URS WENGER et al.	:	DECISION ON PETITION
Application No. 12/928,493	:	TO MAKE SPECIAL UNDER
Filed: December 13, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No.PLR-00SA-24396.05P	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, the claimed hybrid vehicle uses an onboard fuel driven combustion engine for charging the battery packs whereby the combustion engine typically uses gasoline/fossil fuels to generate power and produces carbon dioxide which is a greenhouse gas. In using the combustion engine to generate power to operate the vehicle, not only the claimed invention does not reduce greenhouse gas emission, there is no evidence in the disclosure of the application that the claimed vehicle contributes to the more efficient utilization and conservation of energy resources such as petroleum/fossil fuels. Petitioner asserts in the statement of special status that the onboard engine/generator is used as a range extender. However, it is noted that as petitioner's vehicle runs on power generated by the combustion engine to extend the vehicle's travel range, the vehicle consumes fossil fuels which emit carbon dioxide/greenhouse gases. It is unclear how the combustion engine can have a positive effect on fuel consumption or greenhouse gas emissions. Therefore, petitioners' assertion of the claimed invention's contribution to the more efficient utilization and conservation of energy resources is considered speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3655 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	12/928,493	*Confirmation No.:* 3727
Applicants:	Urs Wenger	
Filed:	December 13, 2010	
Title:	ELECTRIC VEHICLE AND ON-BOARD BATTERY CHARGING APPARATUS THEREFOR	
Art Unit:	3655	
Examiner:	Roger L. Pang	
Atty. Docket No.:	PLR-00SA-24396.05P	
Customer No.:	93175	

REQUEST FOR RECONSIDERATION OF SPECIAL STATUS UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

In response to the Decision on Petition to Make Special Under The Green Technology Pilot Program, dated September 16, 2011 (hereinafter "the Decision"), Applicants respectfully request that the above-identified patent application be reconsidered for special status under The Green Technology Pilot Program. According to the Decision, Applicants' Statement of Special Status, filed on August 11, 2011, was insufficient to explain how the materiality standard was met, pursuant to Notice No. PTO-P-2009-0038, Federal Register, Vol. 74, No. 234 (hereinafter "the Notice"). In particular, the Decision stated that "[i]n using the combustion engine to generate power to operate the vehicle, not only [does] the claimed invention [not] reduce greenhouse gas emission, there is no evidence…that the claimed vehicle contributes to the more efficient utilization and conservation of energy resources" (Page 2, ¶ 4).

Applicants respectfully submit that the present application should be afforded special status under The Green Technology Pilot Program because the claimed method of controlling an engine of an electric vehicle recites an electric vehicle, including a generator driven by the

engine and an electric motor driven by an onboard battery, which materially contributes to the more efficient utilization and conservation of energy resources, pursuant to Section III(2) of the Notice. Additionally, pursuant to Section III(3) of the Notice, Applicants respectfully submit that the claimed method of controlling an engine of an electric vehicle and the electric vehicle recited therein materially contribute to the reduction of greenhouse gas emissions, thereby rendering the present application appropriate for special status under The Green Technology Pilot Program.

More particularly, it is well known that electric vehicles, including those with a range extender as disclosed in the present application, operate with "very good efficiency in all operating aspects, which has a positive effect on…fuel consumption of the aggregate" (Para. [0004]). Since the range extender "only operates for the purpose of charging the system batteries and…is not constantly running," fuel is conserved during use of the electric vehicle (Para. [00121]).

The fuel efficiency and extended traveling range of an electric range extender vehicle are well documented and known within the automotive industry. While it may be difficult to consistently quantify the outcome of the effect of the range extender on all-terrain vehicles due to various and unpredictable driving conditions (e.g., trails, off-road applications, hill climbing), similar testing for on-road vehicles showed that range extenders reduced the fuel consumption of electric vehicles. For example, as shown in FIG. 13a below,[1] General Motors Corporation used vehicle test data from 175 days in which both conventional internal combustion engine vehicles and advanced technology vehicles were driven less than 75 miles per day to conclude that electric range extender vehicles, labeled "E-REV" in FIG. 13a, consumed approximately 80% less fuel than conventional internal combustion engine vehicles, labeled "Conventional" in FIG. 13a.

[1] Reproduced from E.D. Tate et al., The Electrification of the Automobile: From Conventional Hybrid, to Plug-In Hybrids, to Extended-Range Electric Vehicles, reprinted from *Advanced Vehicle Powertrain, 2008*, SAE Technical Paper Series 2008-01-0458, 2008 World Congress, Detroit, Michigan, April 14-17, 2008, Page 8, available at http://media.gm.com/content/dam/Media/microsites/product/volt/docs/paper.pdf, last accessed on October 13, 2011.

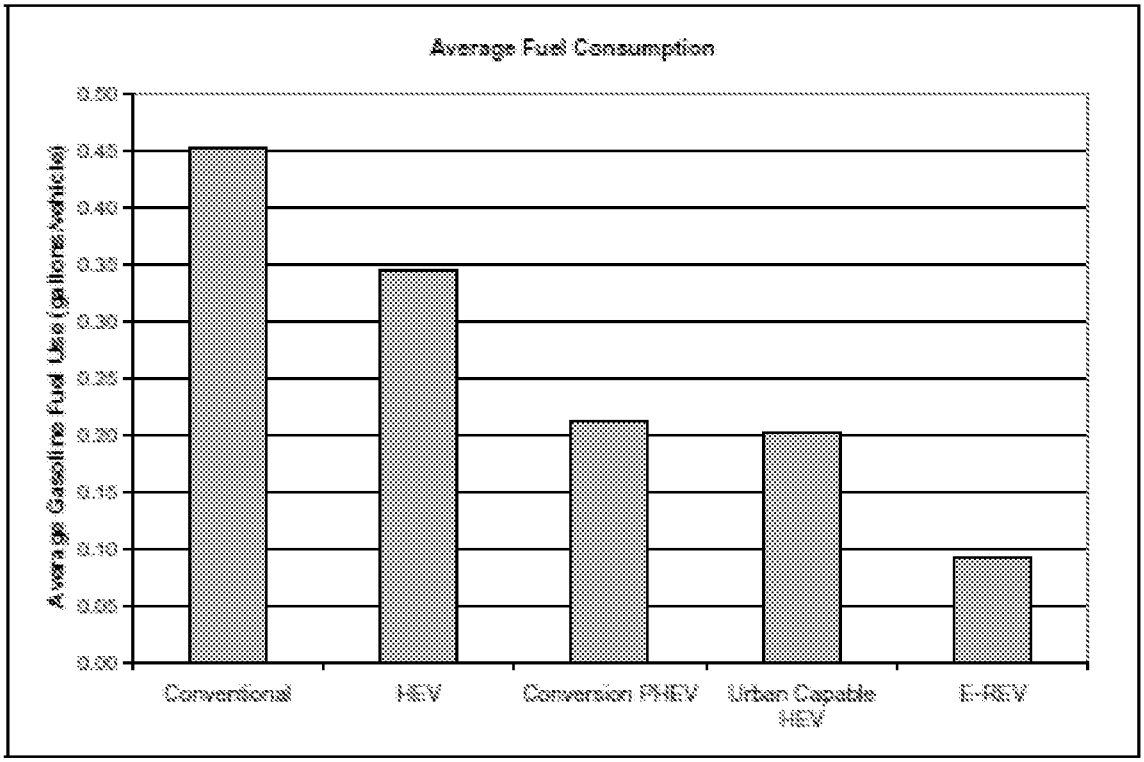

Figure 13a – Average fuel usage over the complete RTS dataset

Additionally, it is well known that the carbon footprint of an electric vehicle is less than that of a vehicle operated by an internal combustion engine. For example, the claimed electric range extender vehicle only outputs exhaust when the engine is operated. As detailed above, the engine operates only to charge the batteries and is not continuously running throughout operation of the electric vehicle. Furthermore, "the combustion engine can be operated with a very good efficiency in all operating aspects, which has a positive effect on CO_2 emissions" (Para. [0004]).

As with fuel efficiency, the emissions efficiency of electric range extender vehicles also is well documented and known within the automotive industry. For example, Derek Crabb, Vice President Powertrain Engineering at Volvo Car Corporation, stated that "[w]ith the Range Extender, the electric car has its effective range increased by a thousand kilometers, yet with carbon dioxide emissions below or way below 50g/km,"[2] which represents the maximum allowable fuel emissions levels for non-road vehicles, such as all-terrain vehicles, as set forth by

the U.S. Environmental Protection Agency[3] and is the desired emission standard for light commercial vehicles, as set forth by the European Union.[4] Additionally, General Motors Corporation performed emissions tests on conventional internal combustion engine vehicles and advanced technology vehicles and concluded that electric range extender vehicles "contribute to far lower early morning emissions, particularly hydrocarbons" and that "[t]he [plug-in electric vehicle] and [electric range extender vehicle] are positive steps toward the goals of energy diversification, fuel savings, and emissions reduction."[5]

Applicants' disclosure and position stated herein is consistent with the current Obama Administration and the U.S. Department of Energy (hereinafter "DOE") with respect to advanced technology vehicles; however, it appears that the USPTO is taking a position contrary thereto. In particular, in President Obama's 2011 State of the Union address, he called for putting one million electric vehicles – a term that includes plug-in hybrid vehicles, extended range electric vehicles, and all-electric vehicles – on the road by 2015. To support this effort, President Obama has proposed steps to encourage America's leadership in the field of electric vehicles, such as improving the tax credits available to purchasers of electric vehicles, infrastructure programs aimed at helping cities prepare for increased demand for electric vehicles, and support for research and development of electric vehicles.[6]

Additionally, the U.S. Department of Energy – Energy Efficiency and Renewable Energy, Alternative Fuels and Advanced Vehicles Data Center put forth a publication entitled Benefits of Hybrid and Plug-In Electric Vehicles, which states that "[h]ybrid electric vehicles (HEVs), plug-in electric vehicles (PHEVs), and all-electric vehicles (EVs) have many benefits compared with conventional vehicles: better fuel economy, **lower emissions**, lower fuel costs,

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[2] Volvo developing extended-range electric vehicle concepts with three different technology combinations, Green Car Congress, available at http://www.greencarcongress.com/2011/07/volvore-20110711.html, Page 1, last accessed on October 13, 2011.

[3] U.S. Environmental Protection Agency, Emissions Standards Reference Guide, Nonroad Recreational Engines and Vehicles – Exhaust Emissions Standards, available at http://www.epa.gov/otaq/standards/nonroad/rec-exhaust.htm, last accessed on October 13, 2011.

[4] http://www.theicct.org/2011/03/european-co2-emission-performance-standards-for-light-commercial-vehicles/, last accessed on October 13, 2011.

[5] E.D. Tate et al., The Electrification of the Automobile: From Conventional Hybrid, to Plug-In Hybrids, to Extended-Range Electric Vehicles, at Pages 9-10 (see Note 1).

[6] One Million Electric Vehicles By 2015 – February 2011 Status Report, United States of America Department of Energy, available at http://www1.eere.energy.gov/vehiclesandfuels/pdfs/1_million_electric_vehicles_rpt.pdf, last accessed on October 4, 2011.

increased energy security, and more fueling flexibility.[7] This publication also states that "emissions" from advanced technology vehicles may be produced by electric power plants, however, "[m]ost categories of emissions are **lower** for electricity generated from power plants than from engines running on gasoline or diesel."[8] Furthermore, power plants outputting "electricity…generated from nonpolluting, renewable sources [produce] no emissions."[9]

In view of the foregoing, Applicants do not understand how the USPTO policy in regards to green technology can take a position contrary to the policies of the Obama Administration and the DOE with respect to the same topic. Furthermore, Applicants' assertion that the claimed method of controlling an engine of an electric vehicle contributes to the more efficient utilization and conservation of energy resources is not speculative because it is well known within the automotive industry that electric vehicles reduce fuel consumption and greenhouse gas emissions, as demonstrated herein. Additionally, Applicants' assertion is consistent with the Obama Administration's and the DOE's position on advanced technology vehicles. Therefore, Applicants submit that the claimed method of operating an engine of an electric vehicle having a generator driven by the engine and an electric motor driven by an onboard battery materially contributes to the reduction in greenhouse gas emissions and the more efficient utilization and conservation of energy resources for at least the foregoing reasons that are well known and widely recognized by current congressional policies.

Applicants respectfully submit that the present Request for Reconsideration, as well as the Petition to Make Special Under The Green Technology Pilot Program previously filed on August 11, 2011, satisfies the other eligibility requirements for participation in the Green Technology Pilot Program.

The application has already published as Publication No. 2011/0165991 A1. On August 11, 2011, Applicants authorized payment of the publication fee of $300 set forth in 37 C.F.R. § 1.18(d) from Deposit Account No. 02-0390, Baker & Daniels LLP.

In the event Applicants have overlooked the need for payment of an additional fee, Applicants hereby petition therefor and authorize that any charges be made to the same deposit account.

If any questions concerning this application should arise, the Examiner is encouraged to

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[7] See http://www.afdc.energy.gov/afdc/vehicles/electric_benefits.html, last accessed on October 4, 2011 (emphasis added).
[8] *Id.* (emphasis added).

telephone the undersigned at 317-237-0300.

Respectfully submitted,

/Eric J. Groen/

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Date Submitted: October 14, 2011

[9] *Id.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/928,483	12/13/2010	Antti Pihlajam¿ki	5292-36	6070

27799 7590 11/08/2011
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EXAMINER
CHANG, JEAN

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Baker & Daniels LLP-Polaris
300 N. Meridian Street
Suite 2700
Indianapolis IN 46204

Nov. 08, 2011

In re Application of	:	
Wenger et al.	:	DECISION ON PETITION
Application No. 12/928,483	:	TO MAKE SPECIAL UNDER
Filed: 12/13/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **PLR-00SA-24396-05P**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 10/14/2011, 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

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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 3655 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

Copied from 12928483 on 11/21/2011

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: PLR-00SA-24396.06P	Application Number (if known): 12/928,495	Filing date: December 13, 2010

First Named Inventor: Urs Wenger

Title: ELECTRIC VEHICLE AND ON-BOARD BATTERY CHARGING APPARATUS THEREFOR

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: 1. Statement of Special Status 2. Publication Fee

Signature /Jessica L. Van Dalen/	Date August 11, 2011
Name (Print/Typed) Jessica L. Van Dalen	Registration Number 66,707

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

■ *Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	12/928,495	*Confirmation No.:* 4762
Applicants:	Urs Wenger	
Filed:	December 13, 2010	
Title:	ELECTRIC VEHICLE AND ON-BOARD BATTERY CHARGING APPARATUS THEREFOR	
Art Unit:	2858	
Examiner:	Huy Q. Phan	
Atty. Docket No.:	PLR-00SA-24396.06P	
Customer No.:	93175	

STATEMENT OF SPECIAL STATUS UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

This Statement of Special Status accompanies a Petition to Make Special Under the Green Technology Pilot Program.

The present application materially contributes to the more efficient utilization and conservation of energy resources, pursuant to Section III(2) of Notice No. PTO-P-2009-0038, Federal Register, Vol. 74, No. 234 (hereinafter "the Notice"). The pending claims recite a method of charging a battery of an electric vehicle that includes a generator driven by an engine and an electric motor driven by the battery. More particularly, the arrangement of the electric vehicle with an onboard engine/generator "is referred to as a range extender as the onboard engine/generator extends the range that the vehicle can travel on the battery pack before a complete recharge" (Para. [0003]). "In this manner the combustion engine can be operated with a very good efficiency in all operating aspects, which has a positive effect on…fuel consumption of the aggregate" (Para. [0004]). As such, the vehicle recited in the pending claims reduces the energy consumption in combustion systems. Therefore, the present application materially

contributes to the more efficient utilization and conservation of energy resources.

Additionally, the present application materially contributes to the reduction of greenhouse gas emissions, pursuant to Section III(3) of the Notice. More particularly, "the combustion engine can be operated with a very good efficiency in all operating aspects, which has a positive effect on CO_2 emissions" (Para. [0004]). For at least these reasons, the present application materially contributes to the reduction of greenhouse gas emissions.

Applicants respectfully submit that the present application satisfies the other eligibility requirements for participation in the Green Technology Pilot Program. For example, the present application contains no more than 20 claims and three (3) independent claims and does not contain any multiple dependent claims.

The application has already published as Publication No. 2011/0148354 A1. Applicants authorize payment of the publication fee of $300 set forth in 37 C.F.R. § 1.18(d) from Deposit Account No. 02-0390, Baker & Daniels LLP.

In the event Applicants have overlooked the need for payment of an additional fee, Applicants hereby petition therefor and authorize that any charges be made to the same deposit account.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 317-237-0300.

Respectfully submitted,

/Jessica L. Van Dalen/

Jessica L. Van Dalen, Reg. No. 66,707
Attorney for Applicants
BAKER & DANIELS LLP
300 North Meridian Street, Suite 2700
Indianapolis, Indiana 46204
Telephone (direct): 317-237-1054
Facsimile: 317-237-1000

Date Submitted: August 11, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/928,495	12/13/2010	Urs Wenger	PLR-00SA-24396.06P	4762

93175 7590 09/22/2011
Baker & Daniels LLP-Polaris
300 N. Meridian Street
Suite 2700
Indianapolis, IN 46204

EXAMINER
PHAN, HUY Q

ART UNIT	PAPER NUMBER
2858	

NOTIFICATION DATE	DELIVERY MODE
09/22/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

inteas@bakerd.com
lani.dick@polarisind.com
cynthia.payson@bakerd.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Baker & Daniels LLP-Polaris
300 N. Meridian Street
Suite 2700
Indianapolis IN 46204

In re Application of	:	
WENGER et al.	:	DECISION ON PETITION
Application No. 12/928,495	:	TO MAKE SPECIAL UNDER
Filed: December 13, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. PLR-00SA-24396.06P	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action on the merits commensurate with this decision.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PETER I. LIPPMAN
17900 MOCKINGBIRD DRIVE
RENO NV 89508

MAILED
JUN 23 2011
OFFICE OF PETITIONS

In re Application of
Algirdas Avizienis
Application No. 12/928,557
Filed: December 14, 2010
Attorney Docket No. xAAA-03

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 8, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOEL DEAN FINEGAN
5905 ELAINE DR.
ROCKFORD, IL 61108

MAILED
JAN 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Joel Dean Finegan	:	
Application No. 12/928,696	:	ON PETITION
Filing Date: December 17, 2010	:	
Attorney Docket No. None	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 17, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by the applicant that he is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2614 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHRISTIE, PARKER & HALE, LLP
PO BOX 29001
Glendale CA 91209-9001

MAILED
FEB 07 2012
OFFICE OF PETITIONS

In re Application of	:	
Atwater al.	:	
Application No. 12/928,762	:	ON PETITION
Filed: 12/17/2010	:	
Attorney Docket Number: 66631/C766	:	

This is in response to the Petition for Acceptance of Color Drawings Under 37 CFR § 1.84(b)(2), filed in the United States Patent and Trademark Office (USPTO) on December 17, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

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 subject matter could not be adequately represented by black and white images, and in fact black and white could misrepresent the particular representations.

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 2815.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Brent D. Burns et al.	:	
Application No. 12/928,765	:	PETITION DECISION
Filed: December 17, 2010	:	
Attorney Docket No. 6458-3-CIP	:	

This is a decision on the petition under 37 CFR 1.183, filed January 12, 2011 and supplemented on March 25, 2011, seeking waiver of the rules.

The petition is **DISMISSED**.

Petitioner requests waiver of the requirements of 37 CFR 1.53 to enable the acknowledgement of correct inventorship of claims allowed in application Serial No. 11/701,183.

35 U.S.C. 111(a)(1) states:

> An application for patent shall be made, or authorized to be made, by the inventor, except as otherwise provided in this title, in writing to the Director.

35 U.S.C. 116 states:

> When an invention is made by two or more persons jointly, they shall apply for patent jointly and each make the required oath, except as otherwise provided in this title. Inventors may apply for a patent jointly even though (1) they did not physically work together or at the same time, (2) each did not make the same type or amount of contribution, or (3) each did not make a contribution to the subject matter of every claim of the patent.

35 U.S.C. 120 states:

> An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by **an inventor or inventors named in the previously filed application** shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the

patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application. No application shall be entitled to the benefit of an earlier filed application under this section unless an amendment containing the specific reference to the earlier filed application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this section. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this section. [Emphasis added].

37 CFR 1.48(a) states:

Nonprovisional application after oath/declaration filed. If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person
who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. Amendment of the inventorship requires:
(1) A request to correct the inventorship that sets forth the desired inventorship change;
(2) 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;
(3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
(4) The processing fee set forth in § 1.17(i); and
(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

37 CFR 1.53(b) states:

Application filing requirements – Nonprovisional application. The filing date of an application for patent filed under this section, except for a provisional application under paragraph (c) of this section or a continued prosecution application under paragraph (d) of this section, is the date on which a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No new matter may be introduced into an application after its filing date. A continuing application, which may be a continuation, divisional, or continuation-in-part application, may be filed under the conditions specified in 35 U.S.C. 120, 121 or 365(c) and § 1.78(a).
(1) A continuation or divisional application that names as inventors the same or fewer than all of the inventors named in the prior application may be filed under this paragraph or paragraph (d) of this section.

(2) A continuation-in-part application (which may disclose and claim subject matter not disclosed in the prior application) or a continuation or divisional application naming an inventor not named in the prior application must be filed under this paragraph.

37 CFR1.78(a)(1) states in part:

A nonprovisional application or international application designating the United States of America may claim an invention disclosed in one or more prior-filed copending nonprovisional applications or international applications designating the United States of America. In order for an application to claim the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America, each prior-filed application must name as an inventor at least one inventor named in the later-filed application and disclose the named inventor's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112.

MPEP 201.03 states:

Correction of inventorship may also be obtained by the filing of a continuing application under 37 CFR 1.53 without the need for filing a request under 37 CFR 1.48, either in the application containing the inventorship err (using a copy of the executed oath or declaration from the parent application) or (to be abandoned)
or in the continuing application. The continuing application must be filed with the correct inventorship named therein. **The filing of a continuing application to correct the inventorship is appropriate if at least one of the correct inventors has been named in the prior application (35 U.S.C. 120 and 37 CFR 1.78(a)(1)).** That is, at least one of the correct inventors must be named in the executed oath or declaration filed in the prior application, or where no executed oath or declaration has been submitted in the prior application, the name of at least one correct inventor must be set forth in the application papers pursuant to 37 CFR 1.41(a)(1). Where the name of at least one inventor is to be added, correction of inventorship can be accomplished by filing a continuing application under 37 CFR 1.53(b) with a newly executed oath or declaration under 37 CFR 1.63(a). Where the name of an inventor(s) is to be deleted, applicant can file a continuation or divisional application (using a copy of the executed oath or declaration from the parent application) with a request for deletion of the name of the inventor(s). See 37 CFR 1.63(d)(2). If a continuing application is filed with a new executed oath or declaration properly naming the correct inventors, a request for deletion of the name(s) of the person(s) who are not inventors in the continuing application is not necessary. The continuing application may be filed under 37 CFR 1.53(b) or, if the application is for a design patent, under 37 CFR 1.53(d). Note the requirements of 37 CFR 1.78 (a)(1)(ii). [Emphasis added].

Petitioner requests waiver of the Rules under 37 CFR 1.183 so that the above-identified application may claim the benefit of an earlier filed application without having at least one common inventor.

Petitioner argues that the present application (naming Brent D. Burns, James J. Kovarik, and Kevin J. Umess as inventors) was filed prior to cancellation of allowed claim 8 of application Serial No. 11/701,183 (naming George D. Survant and Glenn Martin as inventors), now U.S. Patent No. 7,912,273, with claim 1 which is identical to claim 8 of application Serial No. 11/701,183 and claim 23 of application Serial No. 12/976,076 (naming George D. Survant, Glenn Martin, Brent D. Burns, James J. Kovarik, and Kevin J. Umess as inventors), filed December 22, 2010. As such, petitioner believes that they are entitled to, in this application, benefit of the earlier filing date of application Serial No. 11/701,183 even though there is no common inventorship between these two copending applications.

The issue at hand is not what actions may have been taken in another application; rather it is whether petitioner has properly followed the statutes and regulations with the exercise of reasonable care and diligence herein. The fact that the named inventors of the instant application may have invented subject matter previously claimed in application Serial No. 11/701,183 is not relevant to the situation here because the inventorship herein did not invent the claimed subject matter of application Serial No. 11/701,183, now U.S. Patent No. 7,912,273. See 35 U.S.C. 116.

However failure to know and properly apply the rules of practice before the USPTO is not a basis for seeking waiver of the rules under 1.183. Furthermore, extraordinary relief will not be considered where the rules of practice already provide an avenue for relief. It is brought to petitioner's attention that the USPTO will not normally consider an extraordinary remedy, when the rules already provide an avenue for obtaining the relief sought. See Cantello v. Rasmussen, 220 USPQ 664, 664 (Comm'r Pat. 1982). Here, as petitioner may wish to amend the inventorship of the instant application by way of *e.g.* 37 CFR 1.48(a) or petitioner may wish to file another application claiming benefit of application Serial No 12/976,076, which application names the inventors named herein and claims benefit of application Serial No 11/701,183. Further in this regard, a standard principle of statutory construction is: *expressio unius est exclusion alterius* (the mention of one thing implies exclusion of another thing), namely absent legislative intent to the contrary, when a statute expressly provides a specific remedy for a specific situation, the statute is deemed to exclude other remedies for such situation. See National R.R. Passenger Corp. v. National Ass'n Of R.R. Passengers, 414 U.S. 453, 458 (1974); see also Botany Worsted Mills v. United States, 278 U.S. 282, 289 (1929)("when a statute limits a thing to be done in a particular mode, it includes the negative of any other mode"). That is, the patent statute at 35 U.S.C. 116 (and its promulgating regulation 37 CFR 1.48(a)) and 35 U.S.C. 120 provides specific mechanisms whereby an applicant may petition the USPTO to correct inventorship or file a continuing application. Since there is a specific mechanism in place to remedy the requested relief then it is inappropriate for the USPTO to contemplate circumventing that mechanism by creating another remedy.

Furthermore, 37 CFR 1.183, by its terms, may not be invoked to waive any requirement of the rules that is also a requirement of the patent statute. 35 U.S.C. § 120 conditions a claim for benefit of a prior application, *inter alia*, on there herein being named "an inventor or inventors named in the previously filed application." While, as noted above, that requirement of the statute is admittedly lacking herein, 37 CFR 1.183 simply cannot be invoked--or properly applied-- to override that requirement of law as such is beyond the authority, much less the

discretion, of the USPTO. Since the USPTO is an executive branch agency, it must follow the strict provisions of the applicable statute. See A.F. Stoddard v. Dann, 564 F.2d 556, 566, 195 USPQ 97, 105 (D.C. Cir 1977). That is, the USPTO simply lacks the authority or the discretion to relax any requirement of law. See Baxter Int'l, Inc. v. McGaw, Inc., 149 F.3d 1321, 1334, 47 USPQ2d 1225, 1234-1235 (Fed. Cir. 1998)(the PTO cannot, by rule, or waiver of the rules, fashion a remedy that contravenes 35 U.S.C. §§ 112, 120); A.F. Stoddard v. Dann, Id.

For this reason, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Director for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED
AUG 15 2011
OFFICE OF PETITIONS

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

In re Application of	:	
James J. Kovarik et al	:	
Application No. 12/928,765	:	DECISION ON PETITION
Filed: December 17, 2010	:	
Attorney Docket No. 6458-3-CIP	:	

This is a decision on the petition under 37 CFR 1.182, filed July 8, 2011, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center AU 2624.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/928,765	12/17/2010	2624	545	6458-3-CIP	9	1

CONFIRMATION NO. 3390

CORRECTED FILING RECEIPT

22442
SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

OC000000049317868

Date Mailed: 08/15/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

James J. Kovarik, Bartlett, IL;
Brent D. Burns, Elgin, IL;
Kevin J. Umess, Saint Charles, IL;

Assignment For Published Patent Application

LIXI, Inc., Huntley, IL

Power of Attorney: The patent practitioners associated with Customer Number 22442

Domestic Priority data as claimed by applicant

This application is a CON of 11/701,183 02/01/2007 PAT 7,912,273

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 01/07/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/928,765**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No
**** SMALL ENTITY ****

Title

RADIOGRAPHY TEST SYSTEM AND METHOD

Preliminary Class

382

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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OFFICE OF PETITIONS

SHARP LABORATORIES OF AMERICA, INC.
1320 PEARL ST.
SUITE 228
BOULDER CO 80302

In re Application of	:	
HOOPER et al.	:	
Application No. 12/928,771	:	ON PETITION
Filed: December 17, 2010	:	
Attorney Docket No. SLA2141	:	

This is a decision on the petition under 37 CFR 1.137(a), filed December 29, 2011, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

On April 28, 2011, the Office mailed a non-final Office action, which set a three-month shortened statutory period for reply. Extension of the response period were available under 37 CFR 1.136(a). In the absence of a timely filed reply, the application became abandoned on July 29, 2011. On November 7, 2011, the Office mailed a Notice of Abandonment. On December 29, 2011, applicants submitted the present petition.

Applicants assert that they did not receive the non-final Office action of April 28, 2011, because the Office incorrectly mailed it to the correspondence address of the first named inventor. Specifically, applicants' representative, Scot A. Reader explains:

> 1. On December 17, 2010, the present application was filed by Applicants' representative, whose name and signature appear above. The application is a division of U.S. Patent No. 7,881,329. The application papers included a Power of Attorney by Assignee requesting that the Office direct all correspondence to Customer Number 56,420, which is associated with the Boulder, Colorado office of Applicants' representative (1320 Pearl Street, Suite 228, Boulder, CO 80302).
>
> 2. On January 14, 2011, the Office mailed a Filing Receipt and a Notice Regarding Power of Attorney. The Notice Regarding Power of Attorney indicated that the Power of Attorney had not been accepted since 3.73(b) certification had not been received. The

Office mailed this correspondence to the home address of one of the inventors, Mr. Harold Scott Hooper. The Office did not mail this correspondence to the address associated with Customer Number 56,420.

3. On April 28, 2011, the Office mailed an Office Action rejecting all claims under Section 103. The Office again mailed this correspondence to the home address of Mr. Hooper. The Office did not mail this correspondence to the address associated with Customer Number 56,420.

4. Mr. Hooper's employment by the assignee ended in or about January 2011 and Applicants' representative is unaware of any attempt by Mr. Hooper to notify Applicants' representative or the assignee of his receipt of correspondence in this application.

5. On November 4, 2011, after the six-month statutory deadline for responding to the Office Action, Applicants' representative received a call from Examiner Redentor M. Pasia. The Examiner informed Applicants' representative that the application had gone abandoned for Applicants' failure to timely respond to the Office Action. Applicants' representative informed the Examiner that Applicants' representative had not received the Office Action and was unaware that an Office Action had been mailed in the application.

6. On November 7, 2011, the Office mailed a Notice of Abandonment memorializing the November 4, 2011 telephone conversation between Applicants' representative and the Examiner.

7. Accordingly, Applicants' representative only became aware of the Office Action after the six-month statutory deadline for responding and had no opportunity to respond.

Petition, 12/29/11, p. 3.

Upon filing the present application, applicants submitted a "Power of Attorney by Assignee", appointing the patent practitioners associated with Customer Number 56,420, and directing all correspondence connected to the application to the address associated with Customer Number 56,420. As indicated in the Power of Attorney, applicants included an assignment document evidencing the chain of title from the inventors to the assignee in compliance with 37 CFR 3.73(b), a recordation coversheet, and recordation fee. The copy of the assignment was forwarded to the Assignment Branch for recordation.

On January 14, 2011, the Office mailed a Notice Regarding Power of Attorney, indicating that the Power of Attorney from the assignee was not accepted because the Certificate required by 37 CFR 3.73(b) had not been received. The Office treated the mailing address of the first named inventor, Harold Scott Hooper, as the correspondence address, and mailed the Notice Regarding Power of Attorney, the non-final Office action, and the Notice of Abandonment to his home address.

A review of the record reveals that the assignee established its ownership and right to take action in this application by submitting a copy of the executed assignment in compliance with 37 CFR 3.73(b)(1)(i) on December 17, 2010. Therefore, the Office should have accepted the Power of Attorney and directed all correspondence to the address associated with Customer Number 56,420. Consequently, the USPTO mailed the non-final Office action to an incorrect address.

As the Office action was mailed to an incorrect address and was not received by applicants, the holding of abandonment is withdrawn. The application is hereby restored to pending status. The $620.00 petition fee is not required and will be refunded in due course.

The application is being referred to Technology Center Art Unit 2474 for further action on the reply filed December 29, 2011.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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GUTMAN LEVITAN
122 EGRET DRIVE
JUPITER FL 33458

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JAN 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Gutman Levitan	:	
Application No. 12/928,784	:	ON PETITION
Filed: December 20, 2010		
Title: Flow Routing For Reducing Internet	:	
Congestion	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant's attorney that applicant is 65 years of age and is also accompanied with a copy of applicant's Florida driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/928,890	12/21/2010	Louis H. Bookbinder	33320.03051.US26/ 3051F	9567

13565 7590 08/04/2011
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER
ROBINSON, HOPE A

ART UNIT	PAPER NUMBER
1652	

MAIL DATE	DELIVERY MODE
08/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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AUG 04 2011

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McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Bookbinder et al.
Serial No.: 12/928,890
Filed: December 21, 2010
Attorney Docket No: **33320.03051.US26/ 3051F**

: PETITION DECISION

This is in response to the petition filed on July 8, 2011 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statement submitted on March 3, 2011 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statement was submitted in connection with the above-captioned application on March 3, 2011. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statement filed on March 3, 2011 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" March 3, 2011, "Transmittal Letter" of 5 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statement of March 3, 2011.

DECISION

The petition is **GRANTED.**

The examiner is instructed to consider the IDS of March 3, 2011 which was misclassified in PAIR as a "Transmittal Letter" March 3, 2011, "Transmittal Letter" of 5 pages)

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/928,890	12/21/2010	Louis H. Bookbinder	33320.03051.US26/ 3051F	9567

13565 7590 09/28/2011
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER
ROBINSON, HOPE A

ART UNIT	PAPER NUMBER
1652	

MAIL DATE	DELIVERY MODE
09/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 2 8 2011

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McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Bookbinder et al.
Serial No.: 12/928,890
Filed: December 21, 2010
Attorney Docket No: **33320.03051.US26/ 3051F**

: PETITION DECISION

This is in response to the petition filed on September 7, 2011 under 3 7 CFR 1.181 to correct an incorrectly entered date.

Applicants argue "A Supplemental Information Disclosure Statement, mailed on August 5, 2011, together with a Transmittal Letter in duplicate and return receipt postcard were submitted in connection with the above-captioned application on August 5, 2011 by Express Mail label **no.** EM 599791527 US. A review of the application in PAIR indicates the mail room accorded a mailing date of August 8, 2011. A copy of the return receipt postcard with the wrong date accorded by the Patent Office is also enclosed. Applicant submits a true copy of the Express Mail mailing label no. EM 599791527 US and true copy of the Post Office Receipt for Express Mail mailing label no. EM599791527US, the latter clearly showing the date and time of deposit was made on August 5,2011 at 7:18 p.m. Applicant additionally submits a copy of the Express Mail Corporate Account Mailing Statement as further evidence from the USPS to corroborate that the date of mailing was made on August 5,2011."

Applicants' points are well taken and persuasive. Accordingly, the date will be changed.

DECISION

The petition is **GRANTED.**

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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DEC 15 2011

OFFICE OF PETITIONS

LEE PATENT SERVICES
48 SUMMER STREET
STONEHAM, MA 02180

In re Application of Gary M. Demasi :
Application No. 12/928,920 : Decision on Petition
Filing Date: December 22, 2010 :
Attorney Docket No. 1446/102 :

This is a decision on the petition filed December 2, 2011, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter titled "Renewed Petition under 37 CFR 1.181." This is not final agency action within the meaning of 5 U.S.C. § 704.

The Office mailed a Notice of Allowance requiring payment of the issue fee and publication fee and a Notice of Allowability requiring the submission of corrected drawings on August 5, 2011. Both notices set a non-extendable three-month period for reply. The Office did not receive the issue fee, publication fee, or corrected drawings on or before Monday, November 7, 2011. As a result, the application became abandoned on November 8, 2011. The Office mailed a Notice of Abandonment on November 18, 2011.

Petitioner contends the August 5, 2011 notices were not received by Petitioner.

MPEP 711.03(c)(I)(A) states, with emphasis added,

> [A]n allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action....
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the *master docket* for the firm. That is, if a three month period for reply was set in the nonreceived Office action, *a copy of the master docket* report showing all

> replies docketed for a date three months from the mail date of the nonreceived Office action *must be submitted* as documentary proof of nonreceipt of the Office action. *If no such master docket exists, the practitioner should so state* and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has not submitted a copy of the relevant portion of a master docket or stated the law firm does not maintain such a docket. Therefore, the petition cannot be granted.

Any request for reconsideration should include a copy of the relevant part of the firm's master docket or state the law firm does not maintain such a docket.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.[1] Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[1] General Information concerning EFS Web can be found at http://www.uspto.gov/patents/process/file/efs/index.jsp.

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LEE PATENT SERVICES
48 SUMMER STREET
STONEHAM, MA 02180

In re Application of Gary M. Demasi :
Application No. 12/928,920 : Decision on Petition
Filing Date: December 22, 2010 :
Attorney Docket No. 1446/102 :

This is a decision on the renewed petition under 37 CFR 1.181 filed January 6, 2012, which requests the Office withdraw the holding of abandonment.

The petition is **granted.**

The Office mailed a Notice of Allowance requiring payment of the issue fee and publication fee and a Notice of Allowability requiring the submission of corrected drawings on August 5, 2011. Both notices set a non-extendable three-month period for reply. The Office did not receive the issue fee, publication fee, or corrected drawings on or before Monday, November 7, 2011. As a result, the application became abandoned on November 8, 2011. The Office mailed a Notice of Abandonment on November 18, 2011.

Petitioner has established the August 5, 2011 notices were not received by Petitioner. Therefore, the holding of abandonment is hereby withdrawn.

Technology Center Art Unit 3711 will be informed of the instant decision and the Technology Center's technical support staff will re-mail the Notice of Allowance and Notice of Allowability previously mailed August 5, 2011. The time period to reply to the new notices will be set to run from the mailing date of the new notices.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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WILLIAM J. MASON
MACCORD MASON PLLC
POST OFFICE BOX 1489
WRIGHTSVILLE BEACH, NC 28480

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of :
JESSE VAN JACKSON, SR. :
Application No. 12/928,922 :
Effective Date: December 22, 2010 :
Attorney Docket No. :
:

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 22, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Jesse Van Jackson, Sr., attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing.

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

/Tredelle D. Jackson/
Paralegal Specialist
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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APR 25 2011
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GEORGE L. WILLIAMSON
P.O. BOX 508
FAIRHOPE AL 36533-0508

In re Application of	:	
James W. Lazenby	:	
Application No. 12/928,925	:	DECISION ON PETITION
Filed: December 23, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 8, 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 photocopy of a birth certificate of inventor James W. Lazenby, 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 3637 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/928,956	12/24/2010	Steven M. Stone	940472.331097	1435

85426 7590 11/29/2011
Moore & Van Allen, PLLC for Lowe's Companies, Inc.
430 Davis Drive, Suite 500
P.O. Box 13706
Research Triangle Park, NC 27709

EXAMINER
RUDY, ANDREW J

ART UNIT	PAPER NUMBER
3687	

MAIL DATE	DELIVERY MODE
11/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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NOV 29 2011

MOORE & VAN ALLEN
PLLC FOR LOWE'S COMPANIES, INC.
430 DAVIS DRIVE, SUITE 500
P.O. BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

In re Application of: Stone Application No. 12/928,956 Filed: 11/09/2011 For: SYSTEM, METHODS AND CIMPUTER PRODUCTS FOR IMPLEMENTING PROCESSES RELATING RETAIL SALES	**DECISION ON PETITION UNDER 37 C.F.R. 1.84(b)(2)**

This is in response to the petition filed on December 24, 2010 under 37 C.F.R. 1.84(b)(2) to accept color drawings.

The Petition is **GRANTED**.

37 CFR 1.84(a)(2) states, in pertinent parts, that:

> *The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:*
>
> *(i) The fee set forth in § 1.17(h);*
>
> *(ii) Three (3) sets of color drawings;*
>
> *(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:*
>
> *The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.*

37 CFR 1.84(b)(1) and(2) states, in pertinent parts, that:

Color photographs will be accepted in utility and design patent applications if the conditions for accepting color drawings and black and white photographs have been satisfied.

The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed invention.

The photographs must be of sufficient quality so that all details in the photographs are reproducible in the printed patent.

In the instant case, the Petition asserts that color photographs are the best medium for disclosing the subject matter to be patented and are necessary for this application. Petitioner has provided the fee set forth in 37 CFR 1.17(h); Petitioner has provided three (3) sets of color drawings submitted electronically; the appropriate language pursuant to 37 CFR 1.84(a)(2)(iii) appears in the specification [page 19]; and the photographs are of sufficient quality for reproduction.

Inasmuch as Petitioner has adequately satisfied all of the requirements for acceptance of color drawings and photographs pursuant to 37 CFR 1.84(a)(2) and (b)(2), the Petition is granted and the Office accepts color drawings and photographs in this utility patent application.

Any questions regarding this decision should be directed to Matthew S. Gart, Supervisory Patent Examiner, at (571) 272-3955.

/Matthew S. Gart/ signed 11/28/2011

Matthew Gart, SPE
Art Unit 3687
(571) 272-3955

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SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS MO 63102

MAILED
DEC 05 2011
OFFICE OF PETITIONS

In re Application of	:	
Cynthia Marcus	:	
Application No. 12/928,977	:	DECISION ON PETITION
Filed: December 23, 2010	:	
Attorney Docket No. CM-US-0001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed January 24, 2011, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 25, 2011. A Notice of Abandonment was mailed on October 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings, (2) the petition fee of $930.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing 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. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/928,981	12/24/2010	Steven M. Stone	940472.331099	6505

85426 7590 03/07/2012
Lowe"s Companies, Inc.
c/o Moore & Van Allen, PLLC
430 Davis Drive, Suite 500
P.O. Box 13706
Research Triangle Park, NC 27709

EXAMINER
RUDY, ANDREW J

ART UNIT	PAPER NUMBER
3687	

NOTIFICATION DATE	DELIVERY MODE
03/07/2012	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):

iplaw@mvalaw.com
usptomail@mvalaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR -6 2012

Moore & Van Allen, PLLC for Lowe's Companies, Inc.
430 Davis Drive, Suite 500
P.O. Box 13706
Research Triangle Park, NC 27709

In re Application of:	
Steven M. Stone et al.	: **DECISION ON PETITION TO**
Application No. 12/928,981	: **WITHDRAW THE**
Filed: December 24, 2010	: **RESTRICTION REQUIREMENT**
For: SYSTEMS, METHODS AND	: **MADE UNDER**
COMPUTER PROGRAM PRODUCTS	: **37 C.F.R. 1.144**
FOR IMPLEMENTING PROCESSES	
RELATING TO RETAIL STORES	

This is in response to the petition filed on November 9, 2011 under 37 C.F.R. 1.144 requesting the withdrawal of the restriction requirement made in the Office action of March 23, 2011. The delay in treating this petition is sincerely regretted.

The petition is **GRANTED**.

Statement of Facts:

The present patent application was filed December 24, 2010 with 24 claims, numbered 1-24. The Examiner issued a Restriction Requirement on March 23, 2011 asserting that the patent application included claims directed to two distinct inventions, namely Group I (Claims 1-16) and Group II (Claims 17-24).

In Applicant's Response dated April 25, 2011, Applicant provisionally elected Claims 1-16 for examination and traversed the Restriction Requirement by arguing that it did not satisfy the "serious burden" requirement of MPEP 803.

In the Office Action dated June 9, 2011, the Examiner made the Restriction Requirement final but acknowledged that Applicant timely traversed the Restriction Requirement in Applicant's Response dated April 25, 2011.

Independent Claim 1 recites:

1. A system for facilitating the selection of purchasable items by a customer and ordering of the selected purchasable items from a vendor, the system comprising:

a processing element capable of proposing a plurality of purchasable items to the customer for selection by the customer, said processing element being capable of receiving data representing at least one purchasable item selected by the customer, and wherein said processing element is further capable of communicating data representing the at least one purchasable item selected by the customer to the vendor.

Independent Claim 9 recites:

9. A computer program product for facilitating the selection of purchasable items by a customer and ordering of the selected purchasable items from a vendor, the computer program product comprising a computer-readable storage medium having computer-readable program code portions stored therein, the computer-readable program portions comprising:

an executable portion being capable of proposing a plurality of purchasable items to the customer for selection by the customer, said executable portion being capable of receiving data representing at least one purchasable item selected by the customer, and wherein said executable portion is capable of communicating data representing the at least one purchasable item selected by the customer to the vendor.

Independent Claim 17 recites:

17. A method for facilitating the selection of purchasable items by a customer and ordering of the selected purchasable items from a vendor, the method comprising:

proposing a plurality of purchasable items to the customer for selection by the customer; receiving electronically data representing at least one purchasable item selected by the customer; and communicating electronically data representing the at least one purchasable item selected by the customer to the vendor.

MPEP 803 states:

"Under the statute, the claims of an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP §802.01, § 806.06, and §808.01) or distinct (MPEP §806.05 - §806.05(j)). If the search and examination of all the claims in

an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

Decision:

Upon review of the file, it is determined that a search and examination of the combination of features recited in Group I will overlap, if not be coextensive with, a search and examination of the combination of features recited in Group II.

Independent Claims 1, 9, and 17 contain extensive overlapping subject matter. A search of prior art for Group I would likely result in finding prior art pertinent for Group II. The primary differences among the independent claims, is that independent Claim 1 is directed to a system, independent Claim 9 is directed to a computer program product, and independent Claim 17 is directed to a method.

As a result, the Restriction Requirement of March 23, 2011 is hereby withdrawn.

Summary:

The petition is **GRANTED**.

The file has been forwarded to the Examiner for the consideration of the response filed by the applicant on November 9, 2011 and creation of a new non-final Office action that treats all pending claims 1-24 on the merits.

Any questions regarding this decision should be directed to Matthew S. Gart, Supervisory Patent Examiner, at (571) 272-3955.

Gregory Vidovich, Director
Patent Technology Center 3600
(571) 272-5350

Msg/snm: 2/27/2012

SM

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HC PARK & ASSOCIATES PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA VA 22182

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION
Han, et al.	:	ON PETITION
Application No. 12/929,064	:	
Filed: December 28, 2010	:	
Attorney Docket Number: P4061US00	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed December 28, 2010, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings for Figures 1 and 10 – 12 are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2815.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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P.O. Box 1450
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

MAILED

FEB 03 2012

OFFICE OF PETITIONS

In re Application of Bauwens et al. :
Application No. 12/929,088 :
Filing Date: December 29, 2010 :
Attorney Docket No. P73831US0 :
Pub. No. US 2011/0212227 A1 :
Pub. Date: September 1, 2011 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed December 7, 2011.

The request is **dismissed**.

Applicant requests that the application be republished because one of the inventors is not identified on the front page of the patent application publication.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The instant request for corrected publication was filed December 7, 2011, which is more than two months after the application published. Therefore, the request is untimely.

[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).

In view of the prior discussion, relief under 37 C.F.R. § 1.221(b) is unwarranted and the instant 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

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H. Jay Spiegel & Associates
P.O. Box 11
Mount Vernon, Virginia 22121

MAILED

FEB 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Charles P. Forrest, Sr.	:	
Application No. 12/929,092	:	DECISION ON PETITION
Filed: 30 December 2010	:	TO MAKE SPECIAL UNDER
Att. Docket No. WORLD-18	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed 30 December 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant, Charles P. Forrest, Sr. declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051).

The application file will be referred to Technology Center AU 3711 for further action on the pending application.

David Bucci
Petitions Examiner
Office of Petitions

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

MAR 08 2012

PCT LEGAL ADMINISTRATION

In re Application of	:	
SUZUKI, et al.	:	
Application No. 12/929,106	:	DECISION ON PETITION
Filed: December 30, 2010	:	UNDER 37 CFR 1.55(c)
Attorney Docket No. 099790-0104	:	

This is a decision on the petition under 37 CFR 1.55(c), filed October 24, 2011, for acceptance of an unintentionally delayed claim under 35 U.S.C. 119(a)-(d) for benefit of the filing date of foreign Application Nos. JP 11/374957, filed December 28, 1999 and JP 2000-57950 filed February 29, 2000.

The petition is **GRANTED**.

The present application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(I), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);**

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner

may require additional information where there is a question whether the delay was unintentional); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The above-identified pending nonprovisional application was filed after November 29, 2000 and claims priority under 35 U.S.C. 120 to parent application 09/913,618 filed on December 26, 2000, which is within 12 months of the filing date of the foreign application to which benefit is now being claimed. On October 24, 2011, a supplemental Application Data Sheet was received which identifies the foreign applications for which priority is claimed by application number, country and filing date. The required petition fee of $1410 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(a)-(d) is **GRANTED**.

A Corrected Filing Receipt which reflects the above-noted foreign application accompanies this decision on petition.

This matter is being referred to Technology Center AU 1626 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. 119(a)-(d) and (f). Any questions concerning this matter may be directed to Derek A. Putonen at (571) 272-3294. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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H. JAY SPIEGEL - H. JAY SPIEGEL & ASSOCIATES
P.O. BOX 11
MOUNT VERNON, VA 22121

MAILED
JAN 21 2011
OFFICE OF PETITIONS

In re Application of	:	
Charles P. Forrest Sr.	:	
Application No. 12/929,114	:	ON PETITION
Filed: January 3, 2011	:	
Attorney Docket No. WORLD-19	:	

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 age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant's attorney that he is over 65 years of age and a Declaration from applicant that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

KUBOVCIK & KUBOVCIK
SUITE 1105
1215 SOUTH CLARK STREET
ARLINGTON, VA 22202

In re Application of :
Toshiaki Kimura, et al. :
Application No. 12/929,139 : DECISION ON PETITION
Filed: January 3, 2011 :
Attorney Docket No. OGA-039-013 :

This is a decision on the petition under 37 CFR 1.182, filed, November 10, 2011, to change the name of inventor "Takaaki Sakai" to – Takaaki Mihara --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to April M. Wise at (571) 272-1642. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Data Management to proceed with processing this application into a patent.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/929,139	01/03/2011	1766	2206	OGA-039-013	28	1

CONFIRMATION NO. 3305

CORRECTED FILING RECEIPT

20374
KUBOVCIK & KUBOVCIK
SUITE 1105
1215 SOUTH CLARK STREET
ARLINGTON, VA 22202

OC000000051642774

Date Mailed: 12/22/2011

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)

Toshiaki Kimura, Okazaki-shi, JAPAN;
Shuichi Nonaka, Mishima-shi, JAPAN;
Takashi Ochi, Mishima-shi, JAPAN;
Takaaki Mihara, Mishima-shi, JAPAN;
Katsuhiko Mochizuki, Mishima-shi, JAPAN;
Yuhei Maeda, Yokohama-shi, JAPAN;

Power of Attorney:
Ronald Kubovcik--25401
Keiko Kubovcik--40428

Domestic Priority data as claimed by applicant

This application is a CON of 10/525,092 02/23/2005 ABN
which is a 371 of PCT/JP2003/011135 09/01/2003

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
JAPAN JP2002-254201 08/30/2002
JAPAN JP2002-377241 12/26/2002

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to Retrieve Electronic Priority Application(s)** (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 01/21/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/929,139**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

POLYLACTIC ACID FIBER YARN PACKAGE, AND TEXTILE PRODUCTS

Preliminary Class

525

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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ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON DC 20006-1004

MAILED
FEB 09 2012
OFFICE OF PETITIONS

In re Application of :
Ji et al. :
Application Number: 12/929,212 : ON PETITION
Filing or 371(c) Date: 01/07/2012 :
Attorney Docket Number: P59161 :

This is in response to the PETITION UNDER 37 C.F.R. § 1.84(a), which is treated as a petition to accept color drawings or photographs under 37 CFR 1.84(a)(2), filed in the United States Patent and Trademark Office (USPTO) on January 7, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

The petition is not accompanied by an amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings.

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 it is necessary for Figure 9 to be in color since the reduction in blurring discussed in the Specification cannot clearly be seen in black and white.

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. Petitioners have not shown that Figure 9 is not sufficiently clear in black and white. 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

The application is being forwarded to Group Art Unit 2812.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior 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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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED
SEP 16 2011
OFFICE OF PETITIONS

In re Application of:	:	
Molfino et al.	:	
Application No. 12/929240	:	DECISION GRANTING
Filing or 371(c) Date: 01/10/2011	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
METHODS OF USING A THIAZOLE DERIVATIVE	:	

This Decision is in response to the "Request for Reconsideration of Petition Under 37 CFR § 1.47(a)," filed August 25, 2011, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

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, Nestor A. Molfino, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to technology the Office of Patent Application Processing for continued processing in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DR. NESTOR MOLFINO
8817 BELLS MILL ROAD
POTOMAC, MD 20854

MAILED
SEP 16 2011
OFFICE OF PETITIONS

In re Application of:
Molfino et al.
Application No.: 12/929240
Filing or 371(c) Date: 01/10/2011
Title of Invention:
METHODS OF USING A THIAZOLE DERIVATIVE

LETTER

Dear Dr. Molfino:

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: FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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FEB 28 2011

OFFICE OF PETITIONS

RAYMOND VAN DYKE
VAN DYKE LAW
WASHINGTON SQUARE, PO BOX 65302
1050 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20035

In re Application of

Marvin W. Ward
Application No. 12/929,371
Filed: January 19, 2011
Attorney Docket No. Ward - 200

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 19, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's drivers license. 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 forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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BREINER & BREINER, L.L.C.
115 NORTH HENRY STREET
ALEXANDRIA, VA 22314

MAILED

FEB 08 2012

OFFICE OF PETITIONS

In re Application of	:	
John J. Toben, et. al.	:	
Application No. 12/929,407	:	DECISION ON PETITION
Filed: January 21, 2011	:	TO WITHDRAW FROM
Attorney Docket No. 7488	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed January 6, 2012.

The request is **APPROVED**.

The request was signed by Jennifer A. Harchick on behalf of herself. Therefore, Jennifer A. Harchick has been withdrawn as attorney/agent of record; all other attorneys/agents remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

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1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Patent No. 8,050,711 :
Issue Date: 1 November, 2011 :
Application No. 12/929,408 : ON PETITION
Filed: 21 January, 2011 :
Attorney Docket No. WAN-0001/CON :

This is a decision on the petition filed on 3 February, 2012, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE:

In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (*see*: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

Petitioners also are reminded to chart out the fees paid/fees due/balance due in their submission(s) to the Office. (*See, generally*: 37 C.F.R. §1.27, §1.28, MPEP §509.02 and 509-03.)

Petitioner's submission is **ACCEPTED**.

In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees were charged as authorized.**

Patent No. 8,050,711
Application No. 12/929,408

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course as is necessary before it is released for substantive examination.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 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.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/929,410	Confirmation Number	6291	Filing Date	2011-01-21
Attorney Docket Number (optional)	040219.10	Art Unit	1775	Examiner	Beisner, William H
First Named Inventor	Donald R. Owen				
Title of Invention	Apparatus and method for maintaining and/or restoring viability of organs				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Donald	R.	Owen	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Benjamin S. Prebyl/	Date (YYYY-MM-DD)	2011-06-09
Name	Benjamin S. Prebyl	Registration Number	60256

PTO/SB/130 (07-09)
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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In re Application of
Donald R. Owen

Application No. 12929410

Filed: January 21,2011

Attorney Docket No. 040219.10

: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 09-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Donald R. Owen

Application No. 12929411

Filed: January 21,2011

Attorney Docket No. 040219.11

: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 09-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/929,411	Confirmation Number	5830	Filing Date	2011-01-21
Attorney Docket Number (optional)	040219.11	Art Unit	1775	Examiner	Beisner, William H
First Named Inventor	Donald R. Owen				
Title of Invention	Apparatus and method for maintaining and/or restoring viability of organs				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Donald	R.	Owen	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Benjamin S. Prebyl/	Date (YYYY-MM-DD)	2011-06-09
Name	Benjamin S. Prebyl	Registration Number	60256

PTO/SB/130 (07-09)
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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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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.
12/929,488	01/28/2011	Takashi Yamaji	87990(47762)	4392

21874 7590 09/12/2011
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER

ART UNIT	PAPER NUMBER
1733	

MAIL DATE	DELIVERY MODE
09/12/2011	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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SEP 13 2011

WG

In re application of Takashi Yamaji et al. Serial No. 12/929,488 Filed: January 28, 2011 For: CLAYISH COMPOSITION FOR FORMING SINTERED SILVER ALLOY BODY, POWDER FOR CLAYISH COMPOSITION FOR FORMING SINTERED SILVER ALLOY BODY, METHOD FOR MANUFACTURING CLAYISH COMPOSITION FOR FORMING SINTERED SILVER ALLOY BODY, SINTERED SILVER ALLOY BODY, AND METHOD FOR MANUFACTURING SINTERED SILVER ALLOY BODY	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed August 12, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
      Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

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P.O. Box 1450
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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA VA 22182

MAILED
FEB 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Shiro Sakai	:	
Application No. 12/929,712	:	ON PETITION
Filed: 02/10/2011	:	
Attorney Docket No. P3975USI1	:	

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2) For Acceptance of Color Drawings, filed in the United States Patent and Trademark Office (USPTO) on February 10, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. 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).

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."

Petitioner asserts that color is necessary in order to show key inventive aspects of the present 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. 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

The application is being forwarded to Group Art Unit 2823.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Examiner
Office of Petitions

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BREINER & BREINER, L.L.C.
P.O. BOX 320160
ALEXANDRIA VA 22320-0160

MAILED

JAN 30 2012

OFFICE OF PETITIONS

In re Application of David, Clifford H. Jr. Application No. 12/929,725 Filed: February 11, 2011 Attorney Docket No. 7709/CONT	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 6, 2012.

The request is **APPROVED**.

The request was signed by Jennifer A. Harchick on behalf of herself, as she is now an employee of the U.S. Patent and Trademark Office.

All other attorneys/agents of record remain and the correspondence address of record remains unchanged.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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NIXON & VANDERHYE P.C.
901 N. GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203-1808

MAILED

NOV 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Williams et al.	:	
Application No. 12/929,743	:	DECISION ON PETITION
Filed: February 14, 2011	:	
Attorney Docket No. SCS-550-1344	:	

This is a decision on the petition under 37 CFR 1.181, filed October 11, 2011, to change the name of inventor "John Michael Hallman" to -- John Michael Horley --, in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to change an inventor name."

Petitioner asserts that "when the Rule 63 Declaration was prepared in the UK, Mr. Horley's last name was incorrectly typed in on the Declaration as "Hallman." Further, petitioner asserts the requested change is "not as a result of an inventor's name change or changing the names of inventors, but rather due to a typographical error with respect to the last name appearing on the Declaration."

A review of USPTO records does include the Declaration upon filing as described above. However, the inventor listed on the Declaration upon filing clearly states the name as John Michael Hallman and that name appears on the Filing Receipt mailed March 7, 2011.

According to MPEP 201.03, Correction of Inventorship in an Application is permitted by an amendment under 35 U.S.C. 116, which is implemented by 37 CFR 1.48. The utilization of a request under 37 CFR 1.48 will generally correct the inventorship in the application in which it is filed. 37 CFR 1.48(a) is directed at correcting the inventorship in an application where the inventorship was improperly set forth in the executed oath or declaration filed in the application.

However, a request under 37 CFR 1.48 will not be required:

(E) Where there is no change of individual but an incorrect name was given, a petition under 37 CFR 1.182 should be filed requesting correction of applicant's name;

Therefore, in cases where an inventor's name needs to be corrected after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. The petition should be directed to the attention of the Office of

Petitions. The petition must include an appropriate petition fee ($400.00) and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order. For further information, see MPEP 605.04(c).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITIONS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By 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 Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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BREINER & BREINER, L.L.C.
115 NORTH HENRY STREET
ALEXANDRIA, VA 22314

MAILED

FEB 08 2012

OFFICE OF PETITIONS

In re Application of	:	
Dennis K. Smith	:	
Application No. 12/929,791	:	DECISION ON PETITION
Filed: February 16, 2011	:	TO WITHDRAW FROM
Attorney Docket No. 7703/CIP	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed January 6, 2012.

The request is **APPROVED**.

The request was signed by Jennifer A. Harchick on behalf of herself. Therefore, Jennifer A. Harchick has been withdrawn as attorney/agent of record; all other attorneys/agents remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

MAILED

APR 29 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
Binder et al.	:	
Application No.: 12/929,816	:	DECISION
Receipt Date: February 17, 2011	:	ON
Attorney Docket No.: P73858US0	:	PETITION
For: Method For Treating Feed Silage For	:	
Ruminants And Feed Silage Additive	:	

The petition to revive under 37 CFR 1.137(b) filed on 17 February 2011 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 (in the form of the instant continuation application) has been filed. No terminal disclaimer is required. Therefore, the request to revive international application PCT/AT2009/000256 for purposes of establishing co-pendency with this application filed under 35 U.S.C. 111(a) is granted. Co-pendency having been established, said international application again stands abandoned 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 under 35 U.S.C. 111(a).

/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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GRISE, MICHEL
SUITE 101
136 RUE MESSIER
MONT-ST-HILAIRE QC J3H 2W7
CA CANADA

MAILED

FEB 23 2012

OFFICE OF PETITIONS

In re Application of	:	
Grise	:	
Application No. 12/929,903	:	DECISION
Filed/Deposited: 23 February, 2011	:	
Attorney Docket No. (None)	:	

This is a decision on the papers filed on 30 January, 2012, 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; alternatively for revival of an application pursuant to 37 C.F.R. §1.137(a) as having been abandoned due to unavoidable delay.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**; the petition pursuant to 37 C.F.R. §1.137(a) 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 pursuant to 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" or "Renewed Petition under 37 C.F.R. §1.137(a)."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the 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).

As to Allegation of
Unavoidable Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioner does not appear to have satisfied—and appears unable to satisfy—the requirements (as to unavoidable delay) under the Rule.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(a).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Missing Parts mailed on 15 March, 2011, with reply due absent extension of time on or before 15 May, 2011.

Petitioner filed a partial reply on 19 May, 2011, but without a request and fee for extension of time to make timely the reply.

The Office mailed a Notice of Incomplete Reply on 31 May, 2011, and the reply date remained as before.

Petitioner's reply of 1 July, 2011, again was incomplete.

The Office mailed a Notice of Incomplete Reply on 17 August, 2011, and the reply date remained as before.

Petitioner's submission of a request for extension of time on 27 September, 2011, failed to satisfy requirements because Petitioner's submission of fee was insufficient—Petitioner apparently failed to review properly and comply with the current fee schedule.

The application went abandoned by operation of law after midnight 15 September. 2011.

The Office mailed the Notice of Abandonment on 19 October, 2011.

On 14 December, 2011, Petitioner submitted an oath/declaration and on 19 December, 2011, Petitioner submitted a fee for a petition pursuant to 37 C.F.R. §1.137(a) to revive an application abandoned due to unavoidable delay—but no petition, no reply and no showing.

On 30 January, 2012, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181—but failed to do so timely under the rule and failed to make the showing required (consistent with the guidance in the Commentary at MPEP §711.03(c)(I)). Further, as to the petition pursuant to 37 C.F.R. §1.137(a) now considered because the petition and fee are present together, Petitioner failed to make the showing required. Factually, as noted above, Petitioner simply failed to submit papers properly and timely <u>and</u> failed to submit the proper fees timely. While such errors may constitute bases for an averment of unintentional delay, such is not the showing as to unavoidable delay, as discussed below.

Petitioner now is cautioned that his failure to promptly and properly seek revival of the application pursuant to the provisions 37 C.F.R. §1.137(b) may be considered *indicia* of delay that is other than unintentional.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, 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]

***

Petitioner's reply to the Notice of Abandonment is late under the rule (37 C.F.R. §1.181), and Petitioner is reminded of the guidance set forth in the Commentary at MPEP §711.03(c) (in pertinent part):

***

C.Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. §1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. §1.181(f).

Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. §1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

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[1] *See*: MPEP §711.03(c) (I)(B).

***

3.Utility and Plant Applications Filed on or After May 29, 2000

In utility and plant applications filed on or after May 29, 2000, a terminal disclaimer should **not** be required as a condition of granting an untimely petition to withdraw the holding of abandonment. This is because any patent term adjustment is automatically reduced under the provisions of 37 C.F.R. §1.704(c)(4) in applications subject to the patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) if a petition to withdraw a holding of abandonment is not filed within two months from the mailing date of the notice of abandonment, and if applicant does not receive the notice of abandonment, any patent term adjustment is reduced under the provisions of 37 C.F.R. §1.704(a) by a period equal to the period of time during which the applicant "failed to engage in reasonable efforts to conclude prosecution" (processing or examination) of the application.

Where the record indicates that the applicant intentionally delayed the filing of a petition to withdraw the holding of abandonment, the Office may simply dismiss the petition as untimely (37 C.F.R. §1.181(f)) solely on the basis of such intentional delay in taking action in the application without further addressing the merits of the petition. Obviously, intentional delay in seeking the revival of an abandoned application precludes relief under 37 C.F.R. §1.137(a) or (b) (***).

***

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(a).

It is noted that the guidance in the Commentary at MPEP §711.03(c)(II) for the showing required pursuant to 37 C.F.R. §1.137(a) provides in pertinent part:

***

...Unavoidable Delay

As discussed above, "unavoidable" delay is the epitome of "unintentional" delay. Thus, an intentional delay precludes revival under 37 C.F.R..§137(a) ("unavoidable" delay) or 37 C.F.R. §1.137(b) ("unintentional" delay). See Maldague, *10 USPQ2d at 1478.*

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.

In re Mattullath, *38 App. D.C. 497, 514-15 (1912)(quoting* Pratt, *1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also* Winkler v. Ladd, *221 F. Supp. 550, 552, 138 USPQ 666, 667-68 (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).*

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

> *(A)the error was the cause of the delay at issue;*
>
> *(B)there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and*
> *(C)the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.*

See In re Egbers, *6 USPQ2d 1869, 1872 (Comm'r Pat. 1988),* rev'd on other grounds sub nom., Theodor Groz & Sohne & Ernst Bechert Nadelfabrik KG v. Quigg, *10 USPQ2d 1787 (D.D.C. 1988);* In re Katrapat, *6 USPQ2d 1863, 1867-68 (Comm'r Pat. 1988). For example, where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a*

change of address. The following do not constitute proper notification of a change in correspondence address:

> *(A)the mere inclusion, in a paper filed in an application for another purpose, of an address differing from the previously provided correspondence address, without mention of the fact that an address change was being made;*
>
> *(B)the notification on a paper listing plural applications as being affected (except as provided for under the Customer Number practice - see MPEP § 403); or*
>
> *(C)the lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address.*

Delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP, however, does not constitute "unavoidable" delay. See Haines, *673 F. Supp. at 317, 5 USPQ2d at 1132;* Vincent v. Mossinghoff, *230 USPQ 621, 624 (D.D.C. 1985);* Smith v. Diamond, *209 USPQ 1091 (D.D.C. 1981);* Potter v. Dann, *201 USPQ 574 (D.D.C. 1978);* Ex parte Murray, *1891 Dec. Comm'r Pat. 130, 131 (1891). For example, as 37 C.F.R. 1.116 and 1.135(b) are manifest* that proceedings concerning an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal, a delay is not "unavoidable" when the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action.

Likewise, as a "reasonably prudent person" would file papers or fees in compliance with 37 C.F.R. §1.8 or §1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidence of such filing, a delay caused by an applicant's failure to file papers or fees in compliance with 37 C.F.R. §1.8 and §1.10 does not constitute "unavoidable" delay. See *Krahn*, 15 USPQ2d at 1825. Finally, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (A) the applicant's reliance upon oral advice from USPTO employees; or (B) the USPTO's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See *In re Sivertz*, 227 USPQ 255, 256 (Comm'r Pat. 1985).

35 U.S.C. §133 and §151 each require a showing that the "delay" was "unavoidable," which requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable, but also a showing of unavoidable delay until the filing of a petition to revive. See *In re Application of Takao*, 17 USPQ2d 1155 (Comm'r Pat. 1990).

The burden of continuing the process of presenting a grantable petition in a timely manner likewise remains with the applicant until the applicant is informed that the peti-

tion is granted. *Id.* at 1158. Thus, an applicant seeking to revive an "unavoidably" abandoned application must cause a petition under 37 C.F.R. §1.137(a) to be filed without delay (i.e., promptly upon becoming notified, or otherwise becoming aware, of the abandonment of the application).

An applicant who fails to file a petition under 37 C.F.R. §1.137(a) "promptly" upon becoming notified, or otherwise becoming aware, of the abandonment of the application will not be able to show 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 C.F.R. §1.137(a) was unavoidable. The removal of the language in 37 C.F.R. §1.137(a) requiring that any petition thereunder be "promptly filed after the applicant is notified of, or otherwise becomes aware of, the abandonment" should **not** be viewed as: (A) permitting an applicant, upon becoming notified, or otherwise becoming aware, of the abandonment of the application, to delay the filing of a petition under 37 C.F.R. §1.137(a); or (B) changing (or modifying) the result in *In re Application of S*, 8 USPQ2d 1630 (Comm'r Pat. 1988), in which a petition under 37 C.F.R. §1.137(a) was denied due to the applicant's deliberate deferral in filing a petition under 37 C.F.R. § 1.137. An applicant who deliberately chooses to delay the filing of a petition under 37 C.F.R. §1.137 (as in *Application of S*, 8 USPQ2d at 1632) will not be able to show 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 C.F.R. §1.137(a)] was unavoidable" or even make an appropriate 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 C.F.R. §1.137(b)] was unintentional."

The dismissal or denial of a petition under 37 C.F.R. §1.137(a) does not preclude an applicant from obtaining relief pursuant to 37 C.F.R. 1. §137(b) on the basis of unintentional delay (unless the decision dismissing or denying the petition under 37 C.F.R. 1.137(a) indicates otherwise). In such an instance, a petition under 37 C.F.R. 1.137(b) may be filed accompanied by the fee set forth in 37 C.F.R. §1.17(m), the required reply, 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 C.F.R. §1.137(b) was unintentional, and any terminal disclaimer required by 37 C.F.R. §1.137(c). Form PTO/SB/61 or PTO/SB/61PCT may be used to file a petition for revival of an unavoidably abandoned application.

***

Petitioner has failed to satisfy the requirements under the Rule, as discussed above.

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]

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

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[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).

[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.))

> 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.

Petitioner appears not to have made the showing required.

As to Allegations of
Unavoidable Delay

The requirements under 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

As of this writing it appears that Petitioner has failed to satisfy the requirements under the Rule.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**; the petition under 37 C.F.R. §1.137(a) 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

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[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).

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

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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

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.
12/929,978	02/28/2011	Mikael Wahlsten	2674-000069/US/01	5400

30593 7590 01/11/2012
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
01/11/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of:
WAHLSTEN, Mikael et al.
Application No. 12/929,978
Filed: February 28, 2011
For: **METHOD AND APPARATUS FOR ALIGNMENT OPTIMIZATION WITH RESPECT TO PLURALITY OF LAYERS FOR WRITING DIFFERENT LAYERS WITH DIFFERENT MACHINE CONFIGURATIONS**

DECISION ON PETITION UNDER 37 C.F.R. § 1.48 TO CORRECT INVENTORSHIP

This is a decision on the petition under 37 C.F.R. § 1.48(a), filed on December 16, 2011, to correct the inventorship of the above identified application by adding the name of Thomas Ostrom as a co-inventor.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. § 1.48(a) must be accompanied by: (1) A request to correct the inventorship that sets forth the desired inventorship change; (2) 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; (3) An oath or declaration by the actual inventor or inventors as required by § **1.63** or as permitted by §§ **1.42**, **1.43** or § **1.47**; (4) The processing fee set forth in § **1.17(i)**; and (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

The petition lacks a statement from Thomas Ostrom stating "that the error in inventorship occurred without deceptive intention on his or her part." Hence, the petition fails to comply with 37 C.F.R. § 1.48(a)(2).

Accordingly, the petition is **DISMISSED**.

A renewed petition under 37 CFR § 1.48(a) must be filed within TWO (2) MONTHS of this decision.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RICHARD D. MULTER
50 West Rose Nye Way
Shelton WA 98584

MAILED
SEP 28 2011
OFFICE OF PETITIONS

In re Application of
SIMS et al.
Application No. 12/930,039
Filed: 12/23/2010
Attorney Docket No. 2053-140

DECISION ON PETITION

This is a decision on the petition under 37 CFR.1.181, filed September 21, 2011, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond timely to the Notice to File Missing Parts of Nonprovisional Application mailed January 26, 2011, which set a period for reply of two months from the mail date of the Notice. Extensions of the time period for response were available under 37 CFR 1.136(a). On September 8, 2011, the Office mailed a Notice of Abandonment indicating that the reply received on August 30, 2011, was untimely.

Petitioners assert that the reply to Notice to File Missing Parts of Nonprovisional Application was made timely by the filing of a request for an extension of time for response within the fifth month and fee on October 30, 2011, accompanied by a certificate of mailing dated October 25, 2011. Therefore, petitioners request that the Office withdraw the holding of abandonment in view of the fact that the reply was filed within the extendable response period set forth in the Notice.

A review of the file reveals that the USPTO received petitioners' responses to the Notice to File Missing Parts of Nonprovisional Application on April 25, 2011, and July 15, 2011. Additionally, the Office received the request for an extension of time for response within the fifth month and fee on October 30, 2011. The request for an extension of time for response within the fifth month included a certificate of mailing date of October 25, 2011.

Thus, the reply is considered timely filed with the request for an extension of time for response within the fifth month bearing a certificate of mailing dated October 25, 2011. See 37 CFR 1.8(a) and 1.136(a).

Accordingly, the petition under 37 CFR 1.181 is granted. The holding of abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that petitioners submitted a proper and timely reply to the Notice to File Missing Parts of Nonprovisional Application via certificate of mailing.

The matter is being referred to the Office of Patent Application Processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination procedures should be directed to the Technology Center.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RICHARD D. MULTER
2529 14TH AVENUE CT
GREELEY, CO 80631

MAILED
FEB 02 2012
OFFICE OF PETITIONS

In re Application of
Steven C, Sims, et al.
Application No. 12/930,039
Filed: December 23, 2010
Attorney Docket No. 2053-140

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 13, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Richard D. Multer on behalf of all attorneys of record who are associated with customer No. 32149. All attorneys/agents associated with the Customer Number 32149 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: STEVEN C. SIMS
50 W. ROSE NYE WAY
SHELTON, WA 98584

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/930,039	12/23/2010	Steven C. Sims	2053-140

CONFIRMATION NO. 9392

POWER OF ATTORNEY NOTICE

32149
Richard D. Multer
2529 14th Avenue Ct
Greeley, CO 80631

OC000000052331878

Date Mailed: 02/01/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/13/2012.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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NIGEL S GRANT
440 SANSOVINO AVENUE
CORAL GABLES FL 33146

MAILED
MAR 04 2011
OFFICE OF PETITIONS

In re Application of	:	
SCOTT-STANBRIDGE, N. ET AL.	:	
Application No. 12/930,065	:	DECISION ON PETITION
Filed: December 27, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 27, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Nigel Scott-Stanbridge, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATENT OFFICE OF J. JOHN SHIMAZAKI, PLLC
P.O. BOX 650741
STERLING VA 20165

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of	:	
ENIS, Ben M. et al.	:	
Application No. 12/930,117	:	DECISION ON PETITION
Filed: December 28, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 16, 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 Ben Enis attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

/Tredelle D. Jackson/
Paralegal Specialist
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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DIW May-11

RONALD CRAIG FISH, ESQ.
POST OFFICE BOX 820
LOS GATOS CA 95031

MAILED
MAY 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Sharma et al.	:	
Application No. 12/930,130	:	
Filed: 12/28/2010	:	DECISION ON PETITION
Attorney Docket Number: SIP-001	:	

This is a decision in reference to the "Petition to Make corrections" filed on April 4, 2011, which is treated as a petition under 37 CFR 1.57(a).

The petition is **DISMISSED**.

At the outset, the petition is not properly signed. The person who signed the petition, Tiong H. Ling, does not appear to be an inventor or a registered patent practitioner in the above-identified application. 37 CFR 1.33(b) states that amendments and other papers filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

37 CFR 1.57(a) is not applicable in this instance because a filing date has already been assigned to the above-identified application.

In this respect, it appears that applicant *pro se* may have filed this petition in the wrong application.[1]

[1] A review of Office records indicates that applicant *pro se* is the inventor in Application No. 12/930,13**9**. (emphasis added). Applicant should verify that

As the petition was not necessitated by an Office error, the fee will not be refunded.

The address in the petition is different than the correspondence address of record. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence will be mailed to the address of record.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

Christopher Bottorff
Petitions Examiner
Office of Petitions

Cc: TIONG H. LING
5005 CHESTNUT ST
BELLAIRE TX 77401

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
FEB 28 2012
OFFICE OF PETITIONS

WEAVER AUSTIN VILLENEUVE &
SAMPSON LLP - QUAL
ATTN: QUAL
P.O. BOX 70250
OAKLAND CA 94612-0250

In re Application of	:	**DECISION**
Acar, et al.	:	**ON PETITION**
Application No. 12/930,174	:	
Filed: December 30, 2010	:	**ACCEPTANCE OF**
Attorney Docket Number: QUALP030B	:	**COLOR DRAWINGS**

This is in response to the petition under 37 CFR 1.84(a)(2), filed December 30, 2010, for acceptance of color drawings.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

Here, the petition was accompanied by the required fee and drawings. The specification contains the appropriate language. Therefore, the petition is granted.

The application is being forwarded to Group Art Unit 2856.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
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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Weaver Austin Villeneuve & Sampson LLP - QUAL
Attn: QUAL
P.O. Box 70250
Oakland CA 94612-0250

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MAR 09 2012
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In re Application of :
Acar et al. :
Application No. 12/930,175 : ON PETITION
Filed: 12/30/2010 :
Attorney Docket No. QUALP031/101703 :

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2) for Acceptance of Color Drawings, filed in the United States Patent and Trademark Office (USPTO) on December 30, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners state that color representation of this information is believed to be the most practical method (and may be the only practical method) of accurately portraying the results of these analyses.

Petitioners' argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2856.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.

Jose' G. Dees
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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WEAVER AUSTIN VILLENEUVE &
SAMPSON LLP - QUAL
ATTN: QUAL
PO BOX 70250
OAKLAND CA 94612-0250

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re Application of Acar, et al. Application No. 12/930,186 Filed: December 30, 2010 Attorney Docket Number: QUALP030AUS / 101702U1	: : : : : : :	**DECISION ON PETITION** **ACCEPTANCE OF COLOR DRAWINGS**

This is in response to the petition under 37 CFR 1.84(a)(2), filed December 30, 2010, for acceptance of color drawings.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

Here, the petition was accompanied by the required fee and drawings. The specification contains the appropriate language. Therefore, the petition is granted.

The application is being forwarded to Group Art Unit 2856 for examination in due course.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Jose Dees
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Attn: QUAL
P.O. Box 70250
Oakland CA 94612-0250

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MAR 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Stephanou et al.	:	
Application No. 12/930,187	:	ON PETITION
Filed: 12/30/2010	:	
Attorney Docket No. QUALP032/101704U1	:	

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2) for Acceptance of Color Drawings, filed in the United States Patent and Trademark Office (USPTO) on December 30, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners state that color representation of the information in the drawings is believed to be the only practical method of accurately portraying the detailed results of these analyses.

Petitioner's argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2856.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.

Jose' G. Dees
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/930,191	12/30/2010	Gert van Tiel	TYCNL-P0004	3642

27268 7590 06/02/2011
BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS, IN 46204

EXAMINER
THOMPSON, TIMOTHY J

ART UNIT	PAPER NUMBER
2835	

NOTIFICATION DATE	DELIVERY MODE
06/02/2011	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):

inteas@bakerd.com
cynthia.payson@bakerdaniels.com

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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

In re Application of	
VAN TIEL et al.	**: DECISION ON REQUEST TO**
Application No.: 12/930,191	**: PARTICIPATE IN THE PATENT**
Filed: 03 January 2011	**: PROSECUTION HIGHWAY PILOT**
Attorney Docket No.: TYCNL-P0004	**: PROGRAM AND PETITION**
For: ELECTRICAL COMPONENT	**: TO MAKE SPECIAL UNDER**
COMPRISING ...	**: 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 28 April 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 must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once 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
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/930,192	12/30/2010	Gert van Tiel	TYCNL-P0005	3814

27268 7590 06/09/2011
BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS, IN 46204

EXAMINER
THOMPSON, TIMOTHY J

ART UNIT	PAPER NUMBER
2835	

NOTIFICATION DATE	DELIVERY MODE
06/09/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

inteas@bakerd.com
cynthia.payson@bakerdaniels.com

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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

In re Application of	
VAN TIEL et al.	**: DECISION ON REQUEST TO**
Application No.: 12/930,192	**: PARTICIPATE IN THE PATENT**
Filed: 30 December 2010	**: PROSECUTION HIGHWAY PILOT**
Attorney Docket No.: TYCNL-P0005	**: PROGRAM AND PETITION**
For: ELECTRICAL COMPONENT	**: TO MAKE SPECIAL UNDER**
COMPRISING A HOTMELT	**: 37 CFR 1.102(a)**
ELEMENT	

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 28 April 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 must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Weaver Austin Villeneuve & Sampson LLP - QUAL
Attn: QUAL
P.O. Box 70250
Oakland CA 94612-0250

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of :
Stepanou et al. :
Application No. 12/930,229 : ON PETITION
Filed: 12/30/2010 :
Attorney Docket No. QUALP034US/101704U2 :

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2) for Acceptance of Color Drawings, filed in the United States Patent and Trademark Office (USPTO) on December 30, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners state that color representation of this information is believed to be the most practical method (and may be the only practical method) of accurately portraying the results of these analyses.

Petitioners' argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2857.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.

Jose' G. Dees
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION
3310 AIRPORT AVENUE, SW
SANTA MONICA CA 90405

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Lenny Lipton et al.	:	
Application No. 12/930,233	:	DECISION ON PETITION
Filed: December 29, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. OCTD0014	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 29, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by inventor Lenny Lipton attesting to his/her age. The photocop of the passport was not legible. 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 3753 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LYNN E BARBER
P O BOX 16528
FORT WORTH, TX 76162

MAILED

JAN 28 2011

OFFICE OF PETITIONS

In re Application of :
Nicholas F. Mirabile :
Application No. 12/930,376 : ON PETITION
Filed: January 5, 2011 :
Attorney Docket No. MIRN04 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 5, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant's attorney that the applicant is over 65 years of age and a Declaration from applicant that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application file is being referred to the Technology Center Art Unit 3611 for further processing.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	Application Number (if known):	Filing date:

First Named Inventor: John Edward Benton

Title: CO2 Destruction by Galvanic Cell Fusion

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date January 05, 2011
Name (Print/Typed) John Benton	Registration Number

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.

Title: "CO_2 Destruction by Galvanic Cell Fusion"
Inventor: John Benton
Address: 1400 B West Ash St., Columbia, MO, 65203
Phone: 573-489-7671

STATEMENT OF SPECIAL STATUS

I, John Benton, request that the USPTO make special under the Green Technology Pilot Program, my application entitled "CO_2 Destruction by Galvanic Cell Fusion", and state that the application meets the conditions as set forth in the notice "Pilot Program for Green Technologies Including Greenhouse Gas Reduction", in the Federal Register Vol. 74, No. 234, dated December 8, 2009, docket no. PTO-P-2009-00038.

Special status is sought for "CO_2 Destruction by Galvanic Cell Fusion" because the invention reduces greenhouse gas emissions, CO_2, H_2SO_4 and mercury emissions from coal fired power plants. The invention utilizes recyclable scrap metals, uses no water and is mostly self-powered.

Signature

January 05, 2011
Date

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.
12/930,414	01/06/2011	John Edward Benton		2208

7590 02/04/2011

John Benton
1400 B West Ash St.
Columbia, MO 65203

EXAMINER

ART UNIT	PAPER NUMBER
1724	

MAIL DATE	DELIVERY MODE
02/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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2/4/2011

John Benton
1400 B West Ash St.
Columbia MO 65203

In re Application of	:	
John Edward Benton	:	DECISION ON PETITION
Application No. 12/930,414	:	TO MAKE SPECIAL UNDER
Filed: January 06, 2011	:	THE GREEN TECHNOLOGY
	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 06, 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

3 1 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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ASHOK K KOUL
LIFE PREDICTION TECHNOLOGIES INC.
23-1010 POLYTEK STREET
OTTAWA K1J9J-1 CA CANADA

In re Application of	:	
KOUL	:	
PCT No.: PCT/US07/81877	:	DECISION ON PETITION
Filing Date: 19 October 2007	:	
Priority Date: None	:	UNDER 37 CFR 1.182
Attorney's Docket No.: None	:	
For: METHOD AND SYSTEM FOR REAL-TIME	:	
PROGNOSIS ANALYSIS AND USAGE BASED	:	
RESIDUAL LIFE ASSESSMENT OF TURBINE	:	
ENGINE COMPONENTS AND DISPLAY	:	

This decision is in response applicant's "Renewed Petition Under 37 CFR 1.182 RE: PCT/US07/81877" filed 21 May 2010 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

The procedural background of the application is detailed in the communication mailed 14 October 2009.

On 27 April 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.182. Applicant was afforded two months to file any request for reconsideration.

On 21 May 2010, applicant filed the renewed petition discussed herein.

DISCUSSION

Applicant has stated that the error in selecting the improper radio button was inadvertent and without deceptive intent and provided payment of the necessary $400.00 petition fee. In addition, the renewed petition is accompanied by a terminal disclaimer in which applicant disclaims from the patent term the time period from the initial filing of the application papers on 19 October 2007 to the filing of the present renewed petition on 21 May 2010.

Applicant is advised that the terminal disclaimer statement as written does not satisfy the requirement as it does not disclaims the terminal part of the term of any potential patent period. Applicant is correct that the time period of the disclaimer it that from the filing of the application to that of the granting of a petition under 37 CFR 1.182; however, this period of time is to be

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disclaimed at the terminal portion of the patent term; not the beginning.

CONCLUSION

For the reasons detail above, the renewed petition under 37 CFR 1.182 is **DISMISSED**.

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.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Copied from US0781877 on 01/07/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

JAN 10 2011

PCT LEGAL ADMINISTRATION

ASHOK K KOUL
LIFE PREDICTION TECHNOLOGIES INC.
23-1010 POLYTEK STREET
OTTAWA K1J9J-1 CA CANADA

In re Application of	:	
KOUL	:	
PCT No.: PCT/US07/81877	:	DECISION ON PETITION
Filing Date: 19 October 2007	:	
Priority Date: None	:	UNDER 37 CFR 1.182
Attorney's Docket No.: None	:	
For: METHOD AND SYSTEM FOR REAL-TIME PROGNOSIS ANALYSIS AND USAGE BASED RESIDUAL LIFE ASSESSMENT OF TURBINE ENGINE COMPONENTS AND DISPLAY	:	

This decision is in response applicant's "Renewed Petition Under 37 CFR 1.182 RE: PCT/US07/81877" filed 16 September 2010 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

The procedural background of the application is detailed in the communication mailed 14 October 2009.

On 31 August 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.182. Applicant was afforded two months to file any request for reconsideration.

On 16 September 2010, applicant filed the renewed petition discussed herein.

DISCUSSION

Applicant has stated that the error in selecting the improper radio button was inadvertent and without deceptive intent and provided payment of the necessary $400.00 petition fee. In addition, the renewed petition is accompanied by a terminal disclaimer in which applicant disclaims from the terminal part of the term of any patent granted upon the above-identified application after conversion to an application under 35 U.S.C. 111(a) equivalent to the time period from the initial filing of the application papers on 19 October 2007 to the date of a grantable petition under 37 CFR 1.182 to correct the application is filed. As such, it is proper to grant applicant's renewed petition at this time and have the papers filed 19 October 2007 treated as a U.S. utility application under 35 U.S.C. 111 (a).

Copied from US0781877 on 01/12/2011

CONCLUSION

For the reasons detail above, the renewed petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the Office of Patent Application Processing for processing as a U.S. utility application filed under 35 U.S.C. 111 (a).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Copied from US0781877 on 01/12/2011

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/930,423	10/19/2007	Ashok Koul		2281

74357 7590 09/27/2011
Life Prediction Technologies, Inc.
23-1010 Polytek Street
Ottawa, ON K1J 9J1
CANADA

EXAMINER
LE, JOHN H

ART-UNIT	PAPER NUMBER
2857	

MAIL DATE	DELIVERY MODE
09/27/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Alexandria, VA 22313-1450
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Life Prediction Technologies, Inc.
23-1010 Polytek Street
Ottawa ON K1J 9J1 CA CANADA

SEP 27 2011

In re Application of
Ashok KOUL
Application No.: 12/930423
Filed: 19 October 2007
Attorney Docket No.: N/A
For: METHOD AND SYSTEM FOR REAL-TIME PROGNOSIS ANALYSIS AND USAGE BASED RESIDUAL LIFE ASSESSMENT OF TURBINE ENGINE COMPONENTS AND DISPLAY

: 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) pilot program and the petition under 37 CFR 1.102(a), filed 18 July 2011, to make the above-identified application special.

The request and petition are **DENIED**.

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 CIPO, 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 CIPO, 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 CIPO, 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 CIPO application(s);
   b. An English translation of the allowable/patentable claim(s) if not in English and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. a copy: the all office action(s) from of each of the CIPO application(s) containing the allowable/patentable claim(s)
   b. An English language translation of the CIPO Office action if not in English
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the CIPO examiner in the CIPO office action(s) (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);

This request to participate in the PPH program and petition is assessed as follows:

The request to participate in the PPH pilot program and petition fails meet conditions at least conditions (1), (3) and (6).

Regarding the requirement of condition (1), applicant has failed to show that the instant application validly claims priority to one or more applications filed in the CIPO

Regarding requirement (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the CIPO application. The claims pending in the US application do not correspond clearly to the allowed/patentable CIPO claims. For example, US claim 1 fails to include the mechanical property of stress corrosion. Further removal of the term "distortion" in the claims changes the scope of the claimed invention.

Regarding the requirement of condition (6), applicant has failed to submit an IDS list all the documents cited by the CIPO examiner and provide copies thereof. Specifically, applicant has failed to submit a copy of CA 2,516,958.

Regarding requirement (4), examination of the US application has begun. Any renewed petition could not meet requirement (4) and the instant petition is according **DENIED**.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Michael A. Mochinski
Attorney at Law
7372 Kirkwood Court North
Maple Grove, MN 55369

MAILED
APR 21 2011
OFFICE OF PETITIONS

In re Application of	:	
Terry Alan Harmston	:	
Application No. 12/930,465	:	DECISION ON PETITION
Filed: January 7, 2011	:	TO WITHDRAW
Attorney Docket No. 10-1201-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 18, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael A. Mochinski on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Terry A. Harmston at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Terry A. Harmston**
30378 Flamingo Street, NW
Isanti, MN 55040

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/930,465	01/07/2011	Terry Alan Harmston	10-1201-US

CONFIRMATION NO. 8047

POWER OF ATTORNEY NOTICE

Michael A. Mochinski
Attorney at Law
7372 Kirkwood Court North
Maple Grove, MN 55369

OC000000047268058

Date Mailed: 04/20/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/18/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MICHAEL J. COLITZ, JR.
640 Douglas Avenue
DUNEDIN FL 34698

MAILED

APR 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Francis J. Giocondo, Jr.	:	
Application No. 12/930,583	:	DECISION ON PETITION
Filed: January 11, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. GJ04/01-01	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 11, 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 inventor Francis J. Giocondo, Jr. and a copy of applicant's driver's license 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 3739 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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EDWARD P. DUTKIEWICZ, P.A.
EDWARD P. DUTKIEWICZ
P.O. Box 937
Dade City FL 33526

MAILED
APR 06 2011
OFFICE OF PETITIONS

In re Application of	:	
Eugene H. Bonney et al.	:	
Application No. 12/930,586	:	DECISION ON PETITION
Filed: January 11, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 11, 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 inventor Eugene H. Bonney and a copy of applicant's birth certificate 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 3723 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LYNN E BARBER
PO BOX 167
RAPID CITY SD 57709

MAILED

DEC 12 2011

OFFICE OF PETITIONS

In re Application of	:	
LORENSON	:	
Application No. 12/930,619	:	DECISION ON PETITION
Filed: January 12, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. LORL01	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 27, 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 declaration statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

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 2858 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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BIB DATA SHEET

CONFIRMATION NO. 4664

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/930,665	01/13/2011 RULE	707	2163	SONYJP 3.0-2396

APPLICANTS
Shingo Takamatsu, Tokyo, JAPAN;

**** CONTINUING DATA ***************************

**** FOREIGN APPLICATIONS ***************************
JAPAN P2010-009738 01/20/2010

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****
01/24/2011

Foreign Priority claimed ☑ Yes ☐ No 35 USC 119(a-d) conditions met ☑ Yes ☐ No Verified and Acknowledged /SHEREE N BROWN/ Examiner's Signature	☐ Met after Allowance /sb/ Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		JAPAN	9	9	4

ADDRESS
SONYJP
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Ave West
Westfield, NJ 07090
UNITED STATES

TITLE
Information processor, method of processing information, and program

FILING FEE RECEIVED		
1310	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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Alexandria, VA 22313-1450
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PAUL D. BERGER
12822 PARK ONE DRIVE
SUGAR LAND TX 77478

MAILED
APR 06 2011
OFFICE OF PETITIONS

In re Application of
Paul Daniel Berger et al.
Application No. 12/930,721
Filed: January 15, 2011
Attorney Docket No.

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 15, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by inventor Paul D. Berger 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 1765 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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Michael E. Zall
Two Yorkshire Drive
Suffern NY 10901

MAILED
APR 06 2011
OFFICE OF PETITIONS

In re Application of	:	
David J. Haas	:	
Application No. 12/930,759	:	DECISION ON PETITION
Filed: January 14, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 3.0-016	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 14, 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 inventor David J. Haas 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 3677 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

O'KEEFE, EGAN,
PETERMAN & ENDERS LLP
1101 CAPITAL OF TEXAS HIGHWAY
SOUTH #C200
AUSTIN TX 78746

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of	:	
John Bulluck	:	DECISION ON PETITION
Application No. 12/930,826	:	
Filed: January 18, 2011	:	
Atty Docket No. TRIA:033	:	

This is in response to the RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS AND PETITION FOR DATE OF DEPOSIT filed July 5, 2011, which is properly considered as a petition under § 1.53(e)(2). Petitioner requests that the Office accord the above-identified application a filing date of January 18, 2011, with page 2 of the specification considered part of the original application disclosure.

Application papers in the above-identified application were deposited on January 18, 2011. However, on April 28, 2011, the Office mailed applicants a NOTICE TO FILE CORRECTED APPLICATION PAPERS. Applicants were thereby notified that the application papers had been accorded a filing date; however, page 2 of the specification appeared to have been omitted from the application. (In addition, an abstract was required).

In response, applicants filed the instant petition (and petition fee)(and submitted the abstract). Petitioner contends that page 2 was indeed deposited with the Office. As proof, petitioner encloses a copy of their postcard, which shows that a 22 page specification and 2 pages of formal drawings were submitted with the application. Petitioner also attests to having a practice of counting every single page of an application that is being placed in the envelope to be mailed to the Office. Petitioner further states that the petition includes a true copy of the application that was filed and requests that the Office please

insert the attached page of the specification into the present application.

Petitioners' recall of routine events such as counting the pages of an application and placing them in an envelope is not wholly persuasive. This is inconsequential. As a postcard receipt which itemizes and properly identifies the items, which are being filed, serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) the papers filed therewith were assigned application number 12930826 and date stamped as received in the USPTO on January 18, 2011; 2) it specifically identifies the items being filed, including "Spec (22 pp)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, applicant has shown that the items denoted, including 22 pages of specification, were deposited on January 18, 2007.

The pages of specification already considered received in the Office on January 18, 2011, were reviewed along with page 2 of the specification submitted on petition. These papers together constitute the items described on the receipt as "Spec (22 pp)." It is concluded that applicant has shown that page 2 of the specification was among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the $400 petition fee is being refunded under separate cover by the Office of Finance.

The application is being forwarded to the Office of Patent Application Processing for

- further processing **with a filing date of January 18, 2011** using the application papers received in the Office and presently accorded that date and page 2 of the specification re-supplied on petition filed July 5, 2011; and

- processing of the response to the NOTICE TO FILE CORRECTED APPLICATION PAPERS in the form of an abstract filed July 5, 2011.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from the Office of Patent Application Processing.

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

JOHN GILLISPIE
2511 BALTIMORE ROAD #4
ROCKVILLE MD 20853

MAILED
APR 10 2012
OFFICE OF PETITIONS

In re Application of John Gillispie Application No. 12/930,831 Filed: January 19, 2011 Title: Spray-All Spray Bottle and Method of Assembly	: : : : :	DECISION ON PETITION

This is a decision on the letter filed March 14, 2012, which is being treated as a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b).

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)". Extensions of time under 37 CFR 1.136(a) are permitted.

The instant petition does not contain a proper handwritten or S-signature. As such, the petition will not be considered on the merits. On renewed petition, petitioner must submit a properly signed petition.

A form for a petition to revive under 37 CFR 1.137(b) is enclosed for petitioner's convenience.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: PTO/SB/64 (2 pages)
Privacy Act Statement (1 page)

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Commissioner for Patents
United States Patent and Trademark Office
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MAILED
AUG 22 2011
OFFICE OF PETITIONS

Emch, Schaffer, Schaub & Porcello, Co., L.P.A
P.O. Box 916
Toledo OH 43697-0916

In re Application of	:	
ANTHONY C. TISLER	:	
Application No. 12/930,863	:	DECISION ON PETITION
Filed: 01/19/2011	:	
Attorney Docket No. 11007	:	
Title: CURRENT COLLECTION SYSTEM	:	
FOR A PHOTOVOLTAIC CELL	:	

This is in response to the petition under 37 CFR 1.47(b), filed July 8, 2011. Applicants obtained an extension of time within the third month. Accordingly, the petition is filed timely.

The petition is **DISMISSED**.

Rule 47 applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached 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;
(4) a statement of the last known address of the non-signing inventor.
(5) proof of proprietary interest: and
(6) proof of irreparable damage.

Applicants lack items (2) and (6) set forth above.

As to item (2), the declaration is defective. The Office notes that:

> The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP Section 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the non-signing inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

Applicants have identified on filing and in the present petition that the sole inventor is Anthony C. Tisler. Applicants assert that Mr. Tisler refuses to execute the declaration and join in the application. In view of the refusal, applicants indicate that they have submitted a declaration and power of attorney for the patent application signed by Masatsugu Izu, Senior Vice President of Engineering of Xunlight. The declaration signed by Masatsugu Izu improperly identifies Masatsugu Izu as the sole inventor. Specifically, Masatsugu Izu's typewritten name appears in the box for the inventor's given name and surname. Masatsugu Izu signed his name in the box for the inventor's signature. The declaration does not appear to identify the mailing address of Mr. Tisler as indicated in the petition. Additionally, Masatsugu Izu did not identify his title nor did petitioner submit a Statement under 37 CFR 3.73(b) with the present petition. The Office reminds applicants that where the oath or declaration is being signed on behalf of an assignee, applicants must first establish the right of the assignee to take action as stated in MPEP 324.

The Office notes that when an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the non-signing inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b). Therefore, Masatsugu Izu should **not** identify himself in the block for the printed name of the inventor or sign in the inventor's signature block. Rather, to avoid any confusion, as well as to ensure the record is

correct, applicants must submit a new declaration, which identifies the full name, residence, post office address, and citizenship of Mr. Tisler. The Office suggests that applicants provide the title and signature of Masatsugu Izu or another appropriate person in a separate space on the declaration (not in the block for the printed name of the inventor or in the block for the inventor's signature.) to avoid any mistaken belief Masatsugu Izu is a named inventor in the subject application. Furthermore, applicants must submit a completed Statement under 37 CFR 3.73(b).

As to item (6), applicants have failed to present a showing that action under 37 CFR 1.47 is required to preserve the rights of the parties or to prevent irreparable damages. Irreparable damage may be established by a showing in the form of a statement that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage.

The Office finance records show that applicant paid $130.00 for the filing of the present petition. The Office notes that the current petition fee is $200.00. The Office will charge the deficiency of $70.00 to the Deposit Account as authorized.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Correspondence may also be submitted electronically via EFS-Web.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Emch, Schaffer, Schaub & Porcello, Co., L.P.A
P.O. Box 916
Toledo OH 43697-0916

MAILED
OCT 24 2011
OFFICE OF PETITIONS

In re Application of :
ANTHONY C. TISLER :
Application No. 12/930,863 : DECISION ON PETITION
Filed: 01/19/2011 :
Attorney Docket No. 11007 :
Title: CURRENT COLLECTION SYSTEM :
FOR A PHOTOVOLTAIC CELL :

This is in response to the renewed petition under 37 CFR 1.47(b) filed October 6, 2011.

The petition is **GRANTED**.

Rule 47 applicants have shown that the non-signing inventor refuses to sign the declaration after having been presented with the application papers (specification, claims and drawings). Applicants submitted an acceptable declaration, the petition fee, and a statement of the last known address of the non-signing inventor. Furthermore, applicants have shown that they have sufficient proprietary interest in the subject matter to justify the filing of the application and such action is necessary to preserve the rights of the parties and to prevent irreparable damage.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Anthony C. Tisler
854 Brooklawn Avenue
Troy, Michigan 48084

MAILED
OCT 24 2011
OFFICE OF PETITIONS

In re Application of :
ANTHONY C. TISLER :
Application No. 12/930,863 :
Filed: 01/19/2011 :
Attorney Docket No. 11007 :
Title: CURRENT COLLECTION SYSTEM FOR :
A PHOTOVOLTAIC CELL :

LETTER

Dear Mr. Tisler:

You are named as the sole inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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 (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Emch, Schaffer, Schaub & Porcello, Co., L.P.A
P.O. Box 916
Toledo OH 43697-0916

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VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO CA 95014

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of	:	
Wei et al.	:	
Application No. 12/930,927	:	DECISION GRANTING
Filed: January 21, 2011	:	PETITION
Attorney Docket No. ALIBP065	:	

This is a decision on the petition, filed February 25, 2011, requesting that the above-identified application be accorded a filing date of January 20, 2011, rather than the presently accorded date of January 21, 2011. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on January 20, 2011. In support, the petition is accompanied by a copy of Express Mail receipt No. EM296051231US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of January 20, 2011.

The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on January 20, 2011.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for correction of the filing date to **January 20, 2011** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed the undersigned at (571) 272-3215. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAILED

MAR 09 2011

OFFICE OF PETITIONS

ALEKSANDR SMUSHKOVICH
PO BOX 140505
BROOKLYN, NY 11214

In re Application of

Harry Bialor
Application No. 12/930,974
Filed: January 21, 2011
Attorney Docket No.

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 21, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's drivers license. 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 forwarded to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/930,975	Filing date:	January 21, 2011
First Named Inventor:	David Kalokitis		
Title of the Invention:	METHOD AND APPARATUS FOR DISCRIMINATION OF SOURCES IN STRAY VOLTAGE DETECTION		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2011/022365

The international filing date of the corresponding PCT application(s) is/are:

January 25, 2011

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/930,975
First Named Inventor:	David Kalokitis

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 25, 2012

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on January 25, 2012

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, 6	5	Matter of US Claims 5 and 6 is Contained within PCT Claim 5
7, 8, 9	6	Matter of US Claims 7, 8 and 9 is Contained within PCT Claim 6
10	7	Same
11	8	Same
12	9	Same
13	10	Same
14	11	Same
15	12	Same
16	13	Same
17, 18, 19	14	Matter of US Claims 17, 18, and 19 is Contained within PCT claim 14
20	15	Same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Sherry Bergmann/	Date February 13, 2012
Name (Print/Typed) Sherry Bergmann	Registration Number 68,187

PRS006
227989-1

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.
12/930,978	01/20/2011	Philip James Bromley	33312.05702.US22/ 5702B	4791

13565 7590 08/04/2011
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER
MERCIER, MELISSA S

ART UNIT	PAPER NUMBER
1615	

MAIL DATE	DELIVERY MODE
08/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 04 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Philip J. Bromley
Serial No.: 12/930,978
Filed: January 20, 2011
Attorney Docket No: **33312.05702.US22/ 5702B**

: PETITION DECISION

This is in response to the petition filed on July 7, 2011 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statement submitted on March 25, 2011 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicant argues the "Information Disclosure Statement was submitted in connection with the above-captioned application on March 25, 2011. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statement filed on March 25, 2011 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" March 25, 2011, "Transmittal Letter" of 2 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicant's argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statement of March 25, 2011.

DECISION

The petition is **GRANTED.**

The examiner is instructed to consider the IDS of March 25, 2011 which was misclassified in PAIR as a "Transmittal Letter" March 25, 2011, "Transmittal Letter" of 2 pages)

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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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DONALD N. HALGREN
35 CENTRAL STREET
MANCHESTER MA 01944

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
CROWLEY, Robert J. et al.	:	
Application No. 12/931,050	:	DECISION ON PETITION
Filed: January 20, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **ANT-GOOD4A**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 15, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Donald Halgren, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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FEB 25 2011

OFFICE OF PETITIONS

RISTO A. RINNE, JR.
COMPLETE PATENTING SERVICES
SUITE 10
4525 MONTGOMERY DRIVE
SANTA ROSA, CA 95409

In re Application of	:	
Meredith Ellen Rands	:	
Application No. 12/931,107	:	DECISION ON PETITION
Filed: January 20, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. RANDS	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 20, 2011 and resubmitted January 24, 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 declaration statement signed by application. 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 forwarded to the Office of Patent Application Processing to await a reply to the Notice to file Corrected Application Papers (Notice) mailed February 10, 2011. This application will be accorded "special" status once pre-examination processing is complete.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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APR 06 2012

OFFICE OF PETITIONS

Bracewell & Giuliani, LLP
P.O. Box 61389
Houston, TX 77208-1389

In re Application of	:	
Stephen T.C. Wong, et. al.	:	
Application No. 12/931,142	:	DECISION ON PETITION
Filed: January 25, 2011	:	TO WITHDRAW FROM
Attorney Docket No. 058001.105020	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed March 15, 2012.

The request is **APPROVED**.

The request was signed by Constance G. Rhebergen on behalf of herself and all the attorneys/agents associated with Customer Number 35979. Therefore, Constance G. Rhebergen and all the attorneys/agents associated with Customer Number 35979 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

All future communications from the Office will be directed to the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

cc: Stephen T.C. Wong
6565 Fannin Street, MS D200
Houston, TX 77030

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA 98104-7092

MAILED
MAR 08 2012
OFFICE OF PETITIONS

In re Application of	:	
Vitali et al.	:	
Application No. 12/931,220	:	ON PETITION
Filed: 01/26/2011	:	
Attorney Docket No. 852063.429	:	

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2) for Acceptance of Color Drawings, filed in the United States Patent and Trademark Office (USPTO) on January 26, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. 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).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners state that color representation of the information in the drawings is believed to be the only practical method of accurately portraying the detailed results of these analyses.

Petitioner's argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2857.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.

Jose' G. Dees
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

MAR 15 2011

OFFICE OF PETITIONS

WILLIAM E HEIN
PO BOX 335
LOVELAND CO 80539-0335

In re Application of	:	
A. Dale HIATT, Jr. et al.	:	DECISION ON PETITION
Application No. 12/931,259	:	TO MAKE SPECIAL
Filed: January 27, 2011	:	UNDER 37 CFR 1.102(c)(1)
Atty. Docket No.: 554	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 27, 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 the statement in a declaration attesting that A. Dale Hiatt, Jr.'s age is 65 years of age, or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty at 571-272-8427.

All other inquiries concerning either examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3753 for action on the merits commensurate with this decision.

Ramesh Krishnamurthy

for David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALEXANDER J. MOBILE
5322 E. SCRIVENER STREET
LONG BEACH CA 90808

MAILED

NOV 16 2011

OFFICE OF PETITIONS

In re Application of
Alexander Justin Mobile
Application No. 12/931,273
Filed: April 14, 2010
Attorney Docket No. AMOBILE.001

ON PETITION

This is a decision on the petition, filed October 31, 2011, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned for failure to file a timely response to a Notice of Incomplete Application Papers mailed February 8, 2010, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained prior to the expiration of the extendable period. Accordingly, a Notice of Abandonment was mailed October 14, 2011.

Petitioner argues however that a response was filed on May 22, 2011 and to make the response timely, a three month extension of time was filed July 11, 2011.

A search of the application file and the USPTO records reveals that in fact, a response was filed on May 26, 2011 and the three month extension of time fee was paid and properly posted on July 11, 2011.

Accordingly, the response was timely and the Notice of Abandonment mailed October 14, 2011 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to the Office of Data Management for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 12 2011
OFFICE OF PETITIONS

LEIGH P GREGORY
1260 BARN BROOK ROAD
VIRGINIA BEACH VA 23454

In re Application of	:	
Shalaby, et al.	:	DECISION ON PETITION
Application No. 12/931,279	:	
Filed: January 29, 2011	:	
Attorney Docket No. SHA-112	:	

This is a decision on the petition to revive pursuant to 37 CFR 1.137(b), filed November 15, 2011.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to timely file a reply to the Notice to File Missing Parts, mailed February 15, 2011. This Notice set an extendable period for reply of two (2) months for applicant to submit a substitute specification and an oath or declaration, together with the surcharge for late filing of the oath or declaration. No reply having been received, the application became abandoned on April 16, 2011. The Office mailed a Notice of Abandonment on October 27, 2011.

With the instant petition, petitioner has made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of a substitute specification, declaration, and surcharge.

The $65 surcharge for late filing of the declaration has been charged to Deposit Account No. 13-0235, as authorized.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD CT 06103

MAILED
DEC 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Shalaby et al.	:	
Application No. 12/931,327	:	ON PETITION
Filed: January 29, 2011	:	
Attorney Docket No. SHA-111	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Oath/Declaration and the late surcharge, (2) the petition fee of $930.00, and (3) a proper statement of unintentional delay.

As the Power of Attorney was only recently given to the petitioner, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing 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. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 1614 for examination on the merits.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Mark E. Ogram
Ste. 110-186
6990 E. 22nd Street
Tucson AZ 85710-5192

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Nora Lee Hastings	:	
Application No. 12/931,367	:	DECISION ON PETITION
Filed: January 31, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 9089B.1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 31, 2011, to make the above-identified application special based on applicant's age as set forth in 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 3751 for action on the merits commensurate with this decision.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

William Nickell
3745 Dunbarton Drive
Birmingham AL 35223-2739

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Alvin S. Blum	:	
Application No. 12/931,373	:	DECISION ON PETITION
Filed: February 1, 2011	:	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 February 1, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the inventor declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2614 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Robert L. Rispoli
Law Office of Robert L. Rispoli, LLC
P.O. Box 525
Windsor CT 06095

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Mario Lallier, et al.	:	
Application No. 12/931,389	:	DECISION ON PETITION
Filed: January 31, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 12150.5	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 11, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney of record declaring that he is in possession of evidence that shows the applicant, William J. McGinn is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3633 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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MAR 19 2012
OFFICE OF PETITIONS

CHRISTIE PARKER & HALE LLP
PO BOX 29001
GLENDALE CA 91209-9001

In re Application of	:	DECISION
Min, et al.	:	ON PETITION
Application No. 12/931,478	:	
Filed: February 1, 2011	:	
Attorney Docket Number: 65705/L550	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed February 1, 2011, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not necessary for an understanding of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2882 for examination in due course.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Jose Dees
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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INNOVATION COUNSEL LLP
21771 STEVENS CREEK BLVD
STE 200A
CUPERTINO CA 95014

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of	:	DECISION
Kim, et al.	:	ON PETITION
Application No. 12/931,516	:	
Filed: February 3, 2011	:	
Attorney Docket Number: PANK03433 US	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed February 3, 2011, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2815.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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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EDELL, SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD
SUTIE 400
ROCKVILLE, MD 20850

MAILED
OCT 04 2011
OFFICE OF PETITIONS

In re Application of :
PHILIP WATTS et al :
Application No. 12/931,538 : REQUIREMENT FOR INFORMATION
Filed: February 2, 2011 :
Attorney Docket No. 0774.0001C :

This is a decision on the renewed petition under 37 CFR 1.183 requesting waiver of a requirement under 37 CFR 1.48(a), filed May 12, 2011.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a reply responding to the issues noted in more detail below must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this 2-month time limit can be granted under 37 CFR 1.136(a) or (b).

Petitioner contends that the above-captioned application is assigned to Garden Energy, Inc. and indicates that with approval of the assignee, the inventorship of the application should be changed from Philip Watts, to Philip Watts and James V. Eats. On February 2, 2011 the above identified nonprovisional application was filed without declaration or application data sheet. On March 9,2011 an assignment of the application was recorded and on March 11, 2011 a new power of attorney was filed. On March 14, 2011, inventor Philip Watts submitted a declaration as sole inventor. Petitioner now requests that, since inventor Philip Watts has refused to execute a subsequent oath, a waiver of 37 CFR 1.48(a) is necessary. Petitioner indicates that Philip Watts has refused to sign and that there is an obligation for Philip Watts to give the required signature based on the assignee records.

A review of the assignment indicates that James V. Eats, CEO, Garden Energy, Inc., has signed based on being the attorney in fact for Philip Watts under an irrevocable power of attorney. A copy od the power of attorney signed by Philip Watts was not included. In order to render a decision on the merits of the petition, a copy of the power of attorney signed by Philip Watts is therefore requested to be made of record. Accordingly the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Sastry K Ganti
1074 Crofton Lane
Buffalo Grove IL 60089-4114

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of	:	
GANTI, Sastry	:	
Application No. 12/931,551	:	DECISION ON PETITION
Filed: February 07, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **SSA-GANTI**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 07, 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 **DISMISSED**.

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 filed does not have the attached declaration as stated.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2629 for action in its regular turn.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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APR 22 2011

OFFICE OF PETITIONS

SASTRY K GANTI
1074 CROFTON LANE
BUFFALO GROVE IL 60089-4114

In re Application of	:	
GANTI, Sastry	:	
Application No. 12/931,551	:	DECISION ON PETITION
Filed: February 07, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **SSA-GANTI**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 04, 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 Sastry Ganti attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA CA 95050

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OFFICE OF PETITIONS

In re Patent No. 8,021,179 :
Issue Date: 20 September, 2011 :
Application No. 12/931,590 : DECISION
Filed: 3 February, 2011 :
Attorney Docket No. (None)

This is a decision on the petition filed on 18 August, 2011, pursuant to 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE:

In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (*see*: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

The guidance in the Commentary at MPEP §509.03 provides in pertinent part:

***

(i) *Calculation of the deficiency owed.* The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (*e.g.*, basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

***

Petitioner's submission is **NOT ACCEPTED**.

Status as a Small Entity was not altered in Petitioner's request to pay fees at the schedule set forth for not-small entities pending the following:

- **Petitioner complains that "this is a mistake which is believed to be derived from USPTO's internal clerical error at the beginning ... ."[1]**
- **Nonetheless, Petitioner appears to have ignored this matter thereafter.**
- **Petitioner failed to chart out for each fee transaction the fees paid, fees due, difference in fees paid, total balance due.**
- **Petitioner is given ONE month, not less than 30 days to resolve the matter.**

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

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[1] Petition, at page 1.

[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

Patent No. 8,021,179
Application No. 12/931,590

The instant application is released to IFW Files Repository in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) 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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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).

[3] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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OFFICE OF PETITIONS

In re Patent No. 8,021,179 :
Issue Date: 20 September, 2011 :
Application No. 12/931,590 : DECISION
Filed: 3 February, 2011 :
Attorney Docket No. (None)

This is a decision on the petition filed on 2 November, 2011, pursuant to 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE:

In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (*see*: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

The guidance in the Commentary at MPEP §509.03 provides in pertinent part:

***

(i) *Calculation of the deficiency owed.* The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (*e.g.*, basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

***

On original petition the status as a Small Entity was not altered in Petitioner's request to pay fees at the schedule set forth for not-small entities pending the following: Petitioner complained that "this is a mistake which is believed to be derived from USPTO's internal clerical error at the beginning ...";[1] nonetheless, Petitioner appeared to have ignored this matter thereafter; Petitioner failed to chart out for each fee transaction the fees paid, fees due, difference in fees paid, total balance due.

Petitioner re-advanced the petition on 2 November, 2011, over a Monday 31 October, 2011, certificate of mail.

Petitioner is reminded once again that the duty before the Office in these matters is to chart out—i.e., in a table—each amount paid, each amount due, each differential, and the total of fees due.

Petitioner's submission is **ACCEPTED**.

In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees were charged as authorized**.

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] Petition of 18 August, 2011, at page 1.

Patent No. 8,021,179
Application No. 12/931,590

Out of an abundance of caution, Petitioners always are reminded that that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

The instant application is released to the IFW Repository in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) 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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[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).

[3] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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OFFICE OF PETITIONS

In re Application of Sarah Hamm-Alvarez :
Application No. 12/931,601 :
Filing Date: February 3, 2011 :
Attorney Docket No. 064189-3455 :
Pub. No. US 2011/0257103 A1 :
Pub. Date: October 20, 2011 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed December 8, 2011.

The request is **dismissed**.

Applicant requests the application be republished because of the mistake in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The mistake identified in the instant request is not a material Office mistake as required under 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

[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).

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

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DONALD N. HALGREN
35 CENTRAL STREET
MANCHESTER MA 01944

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Crowley et al.	:	
Application No. 12/931,661	:	ON PETITION
Filed: February 7, 2011	:	
Attorney Docket No. ANT-Good5A	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 22, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant, Donald N. Halgren. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center Art Unit 2618 for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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In re Application of
Robert Abrams

Application No. 12931695

Filed: February 8,2011

Attorney Docket No. 110105 Abrams Cradle Swit

: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 01-MAR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.