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

William Rovinsky
97 Briarwood Lane
Plainview NY 11803

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of	:	
William Rovinsky	:	
Application No. 12/931,739	:	DECISION ON PETITION
Filed: February 9, 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 9, 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 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 Office of Patent Application Processing further processing.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Dan Kikinis
20264 Ljepava Drive
Saratoga CA 95070

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of :
Boone et al. :
Application No. 12/931,788 :
Filed: February 10, 2011 :
Attorney Docket No. CMB005 :
For: SYSTEM AND METHOD FOR USING MACHINE-READABLE INDICIA TO PROVIDE ADDITIONAL INFORMATION AND OFFERS TO POTENTIAL CUSTOMERS

ON PETITION

This is a decision on the petition, filed September 2, 2011, under 37 CFR 1.147(a).

The petition is **dismissed** and the merits of the petition will not be addressed because the petition is not properly signed. No additional petition fee will be due when petitioner files a reconsideration petition.

37 CFR 1.33(b) states that any amendments and other papers filed in an application must be signed by (1) an appointed registered attorney or agent; (2) a registered attorney or agent not appointed, but acting in a representative capacity, (3) an assignee under 3.71(b); or (4) all of the named inventors.

No one signed the petition. A courtesy copy of this decision will be mailed to Brian R. Galvin, the registered practitioner who appears to have filed the correspondence at issue.

In any reconsideration petition, petitioner is encouraged to file another copy of the petition properly signed.

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

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: BRIAN R. GALVIN
GALVIN PATENT LAW, LLC
PO BOX 2360
SILVERDALE WA 98383

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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Brian R. Galvin
P.O. BOX 2360
SILVERDALE WA 98383-2360

MAILED

OCT 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Boone et al.	:	
Application No. 12/931,788	:	DECISION GRANTING
Filed: February 10, 2011	:	APPLICATION STATUS
Attorney Docket No. CMB005	:	UNDER 37 CFR 1.47(a)
For: SYSTEM AND METHOD FOR USING MACHINE-READABLE INDICIA TO PROVIDE ADDITIONAL INFORMATION AND OFFERS TO POTENTIAL CUSTOMERS		

This is a decision on the renewed petition, filed October 5, 2011, under 37 CFR 1.47(a).

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventors, Youriy Drozd, Florian Brody, and Leonid Kontsevich, have refused to join in the filing of the above-identified application after having been presented with the application papers.

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 inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be referred to the Office of Patent Application Processing for further pre-examination processing.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/931,815	02/11/2011	Young-Joo Park	5000-1-1301	2061

33942 7590 07/14/2011
Cha & Reiter, LLC
17 Arcadian Avenue
Suite 208
Paramus, NJ 07652

EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
07/14/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHA & REITER, LLC
17 Arcadian Avenue
Suite 208
Paramus NJ 07652

In re Application of:
PARK, Young-Joo
Application No. 12/931,815
Filed: February 11, 2011
For: **APPARATUS AND METHOD FOR PERFORMING MULTI-TASKING**

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 February 11, 2011, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 1A, 1B and 5-11D 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) sets of color drawing Figures 1A, 1B and 5-11D. However, the specification does not contain the required notification described above.

Accordingly, the petition is **DISMISSED**.

A renewed petition under 37 CFR § 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If applicant fails to file a renewed petition within TWO (2) MONTHS, the drawings will be printed in black and white.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
DEC 08 2011
OFFICE OF PETITIONS

Gregory A. Piccionelli
Piccionelli & Sarno
c/o Eclipse Group
6345 Balboa Blvd., Suite 325
Encino CA 91316

In re Application of	:	
Piccionelli	:	
Application No.12/931,833	:	ON PETITION
Filed: February 11, 2011	:	
Attorney Docket Number: GT-17US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 23, 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 March 1, 2011. 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 May 2, 2011. A Notice of Abandonment was mailed on November 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 $1860, 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
Attorney Advisor
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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FRANCIS LAW GROUP
1942 EMABARCADERO
OAKLAND CA 94606

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
PEYMAN, Gholam A.	:	
Application No. 12/931,834	:	DECISION ON PETITION
Filed: February 10, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **KMG-02-005CIP**	:	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 Gholman Peyman, 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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CHEMIMAGE CORPORATION
7301 PENN AVENUE
PITTSBURGH PA 15208

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION
Maier, et al.	:	ON PETITION
Application No. 12/931,836	:	
Filed: February 11, 2011	:	
Attorney Docket Number: CIM 055 US CIP 2	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed February 11, 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.

Here, the petition does not meet requirement (1) above. Petitioner has not submitted the $130 petition fee. Accordingly, the petition will not be considered on the merits until such time as petitioner submits the petition fee.

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 2886 for examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
APR 11 2011
OFFICE OF PETITIONS

Francis Law Group
1942 Emabarcadero
Oakland CA 94606

In re Application of	:	
Gholam A. Peyman	:	
Application No. 12/931,846	:	DECISION ON PETITION
Filed: February 10, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **KMG-02-005U**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 14, 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 1614 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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CHEMIMAGE CORPORATION
7301 PENN AVENUE
PITTSBURGH PA 15208

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION
Maier, et al.	:	ON PETITION
Application No. 12/931,868	:	
Filed: February 11, 2011	:	
Attorney Docket Number: CIM 055 US CIP 1	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed February 11, 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.

Here, the petition does not meet requirement (1) above. Petitioner has not submitted the $130 petition fee. Accordingly, the petition will not be considered on the merits until such time as petitioner submits the petition fee.

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 2886 for examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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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. 12/931,941	DECISION ON PETITION
Filed: February 15, 2011	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

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	12931943
Filing Date	15-Feb-2011
First Named Inventor	Ciro Lombardo
Art Unit	3632
Examiner Name	ERIN SMITH
Attorney Docket Number	CIR-101 CONT
Title	Vanity display

◉ Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.

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

10.40(c)(5)

Certifications

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

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

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

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

Name	Ciro Lombardo
Address	8330 W. Carmen Ave.
City	Norridge
State	IL
Postal Code	60706
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Anne Burkhart akb/
Name	Anne Burkhart
Registration Number	35280

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 6, 2012

In re Application of :

Ciro Lombardo

Application No : 12931943

Filed: 15-Feb-2011

Attorney Docket No : CIR-101 CONT

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR.§ 1.36(b), filed February 6, 2012

The request is **APPROVED**

The request was signed by Anne Burkhart (registration no. 35280) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

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

Name	Ciro Lombardo
Name2	
Address 1	8330 W. Carmen Ave.
Address 2	
City	Norridge
State	IL
Postal Code	60706
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

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

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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November 4, 2011

Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto CA 94303

In re Application of	:	
Brian Kobilka et al.	:	**DECISION ON PETITION**
Application No. 12932075	:	
Filed: 2/16/2011	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. STAN-564CON3	:	***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) February 16, 2011.

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

January 25, 2012

Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto CA 94303

In re Application of	:	
KOBILKA, BRIAN ET AL	:	**DECISION ON PETITION**
Application No. 12/932,076	:	
Filed: 02/16/2011	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. STAN-564CON5	:	***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) February 16, 2011.

The petition is **GRANTED**.

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

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the requirements above. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

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.
12/932,101	02/16/2011	Brian Kobilka	STAN-564CON2	4055

77974 7590 04/11/2012
Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto, CA 94303

EXAMINER
ULM, JOHN D

ART UNIT	PAPER NUMBER
1649	

MAIL DATE	DELIVERY MODE
04/11/2012	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
P.O. Box 1450
Alexandria, VA 22313-1450
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April 11, 2012

Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto CA 94303

In re Application of	:	
Brian Kobilka et al.	:	**DECISION ON PETITION**
Application No. 12932101	:	
Filed: 2/16/2011	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. STAN-564CON2	:	***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) February 16, 2011.

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

In the United States Patent and Trademark Office

Serial Number: _____

Appn. Filed: _____

Applicant(s): John R. Weimer

Appn. Title: Boiler System Stabilizing Damper

Examiner/GAU: _____

Mailed: 2011 February 18

At: Forest Lake

Petition to Make Special

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

Sir:

Applicant hereby respectfully petitions that the above application be made special under MPEP Sec. 708.02 for the following reason; attached is a declaration in support thereof:

- I. ☐ Manufacturer Available;*
- II. ☐ Infringement Exists;*
- III. ☐ Applicant's Health Is Poor;
- IV. ☐ Applicant's Age Is 65 or Greater;
- V. ☑ Environmental Quality Will Be Enhanced;
- VI. ☑ Energy Savings Will Result;
- VII. ☐ Recombinant DNA Is Involved;*
- VIII. ☐ Special Procedure: Search Was Made;*
- IX. ☐ Superconductivity Is Advanced;
- X. ☐ Relates to HIV/AIDS or Cancer;*
- XI. ☐ Counters Terrorism.*

* ☐ Also attached, since reason I, II, VII, VIII, X, or XI has been checked, is the $_____ Petition Fee pursuant to Rules 102 and 17(i).

Very respectfully,

Applicant(s): John R. Weimer

Attachment(s): Fee if indicated and supporting Declaration

Applicant(s): _____

c/o:

Telephone:

Certificate of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 2011 February 18 John R. Weimer, Applicant

In the United States Patent and Trademark Office

Appn. Number:

Filing Date:

Applicant(s): John R. Weimer

Examiner:

Mailed: 2011 February 18

At: Forest Lake

Declaration in Support of Accompanying Petition to Make Special

Reason V – Enhancement of Environmental Quality

Reason VI - Energy Savings

In support of the accompanying Petition to Make Special, applicant declares as follows:

1. I am the applicant in the above-identified patent application.
2. The invention of the above application promotes efficient, more complete combustion of fossil fuels, improving air quality by reducing the contaminating constituents of incomplete combustion.
3. The invention results in more efficient utilization of energy resources by promoting more efficient heat transfer within the heat exchanger, and reducing the need for the less efficient class I and II flue designs.
4. The invention promotes more efficient use of natural resources by allowing for reduced pipe sizing in the flue system. This reduces the amount of metal used in boiler system construction, reducing the energy usage and environmental contamination resulting from their manufacture.
5. The invention reduces fossil fuel usage thus promoting the conservation of fossil fuel resources.

6. Pages 6 and 7 of the specification describe in detail the problem of boiler system instability, and the consequences.
7. I further declare that all statements made herein of my own knowledge are true and that all statements made upon 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 and any patent issuing therefrom.

Very respectfully,

John R. Weimer

24211 Potomac Street NE

Stacy, Minnesota 55079-9709

651-462-2587

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.
12/932,161	02/18/2011	John Robert Weimer		1753

7590 03/30/2011

John R. Weimer
24211 Potomac St. NE
Stacy, MN 55079-9709

EXAMINER

ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
03/30/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

John R. Weimer
24211 Potomac St. NE
Stacy MN 55079-9709

In re Application of	:	
WEIMER, JOHN ROBERT	:	DECISION ON PETITION
Application No. 12/932,161	:	TO MAKE SPECIAL UNDER
Filed: June 22, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. n/a	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 28, 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 #4 and # 8.

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 energy conservation and enhancement of environmental quality. This is not persuasive because it is not clear how the claimed boiler flue gas damper will contribute to enhancement of the quality of the environment and energy conservation. The claimed damper has nothing to do with green technologies.

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 3749 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
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.
12/932,202	02/18/2011	Makoto Tomioka	13281/76	8817

26646 7590 08/08/2011
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

ART UNIT	PAPER NUMBER
2482	

MAIL DATE	DELIVERY MODE
08/08/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KEYNON & KEYNON LLP
ONE BROADWAY
NEW YORK, NY 10004

In re Application of: TOMIOKA, M.
Application No. 12/932202
Filed: February 18, 2011
For: ENDOSCOPE OPTICAL SYSTEM AND ENDOSCOPE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 14, 2011, to make the above-identified application special.

The petition is **GRANTED.**

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

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

Or

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

Or

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

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

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s);
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 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 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 JPO application(s) containing the allowable/patentable claim(s);
b. An English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and
c. A statement that the English translation is accurate;

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

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

Telephone inquiries concerning this decision should be directed to Kim Huynh at 571-272-4147

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

The application is 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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P.O. Box 1450
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WEIDE & MILLER, LTD.
7251 W. LAKE MEAD BLVD.
SUITE 530
LAS VEGAS NV 89128

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of	:	
FALCIGLIA, Sal Sr.	:	
Application No. 12/932,209	:	DECISION ON PETITION
Filed: February 17, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **SLINGO.0006P**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed February 17, 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 Sal Falciglia, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3716 for action on the merits commensurate with this decision.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RICHARD D. MULTER
2529 14TH AVENUE CT
GREELEY, CO 80631

MAILED
FEB 21 2012
OFFICE OF PETITIONS

In re Application of
Steven C, Sims, et al.
Application No. 12/932,216
Filed: February 18, 2011
Attorney Docket No. 2053-137A

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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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/932,216	02/18/2011	Steven C. Sims	2053-137A

CONFIRMATION NO. 8319

POWER OF ATTORNEY NOTICE

32149
Richard D. Multer
2529 14th Avenue Ct
Greeley, CO 80631

OC000000052398090

Date Mailed: 02/03/2012

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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P.O. Box 1450
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WILHELM LAW SERVICE, S.C.
100 W LAWRENCE ST
THIRD FLOOR
APPLETON WI 54911

MAILED
NOV 10 2011
OFFICE OF PETITIONS

In re Application of Wallace R. Lasonde Application No. 12/932,293 Filed: February 22, 2011 Attorney Docket No. 29784A-1	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed October 28, 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 Thomas D. Wilhelm on behalf of all attorneys of record associated with Customer Number 23482. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. Paul J. Schneider is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71. Further, currently there is no Statement under 37 CFR 3.73(b) of record in the instant application. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, a Notice of Allowance was mailed September 21, 2011 that requires a reply by December 21, 2011.

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WARN PARTNERS, P.C.
PO BOX 70098
ROCHESTER HILLS MI 48307

MAILED
JUN 06 2011
OFFICE OF PETITIONS

In re Application of
Wheeler et al.
Application No. 12/932,299
Filed: February 23, 2011
Attorney Dkt No. GLI-00001
For: WIREWAY FOR CONVEYOR

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed May 20, 2011.

The petition is dismissed.

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

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

To make this reply timely a one month extension of time will be charged to deposit account 50-1612.

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). There is no evidence that the application papers were ever presented to non-signing inventors Buchanan and Carter. The petition and declaration indicates only the assignment, declaration and power of attorney documents were sent multiple times. Where it can not be established that the application papers were delivered, the Office cannot find that the inventors' failure to respond can be construed as refusal if it cannot be verified that the application papers were received.

Unless petitioner can show that a copy of the application papers was presented to the non-signing inventors , then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventors, return

receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc.** *See* MPEP 409.03(d).

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration **by the party to whom the refusal was made.** Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

As to item (4), the address provided on the declaration for inventor Carter differs from the address provided in the petition. If the address provided in the declaration is the last known address, a new declaration or signed supplemental application data sheet should be provided.

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 should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WARN PARTNERS, P.C.
PO BOX 70098
ROCHESTER HILLS MI 48307

MAILED
AUG 23 2011
OFFICE OF PETITIONS

In re Application of	:	
Gregory L. Wheeler, Marty Buchanan, Robert	:	DECISION GRANTING STATUS
Carter and Jeremy P. Shepard	:	UNDER 37 CFR 1.47(a)
Application No. 12/932,299	:	
Filed: February 23, 2011	:	
Attorney Docket No. GLI-00001	:	
For: WIREWAY FOR CONVEYOR	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed August 10, 2011.

The petition is **GRANTED.**

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

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

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

This application is being referred to the Office of Patent Application processing for processing in the normal course of business.

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MAILED
AUG 23 2011
OFFICE OF PETITIONS

Marty Buchanan
2441 SE 4th Street
Grand Prairie, Texas 75051

In re Application of
Gregory L. Wheeler, Marty Buchanan, Robert Carter and Jeremy P. Shepard
Application No. 12/932,299
Filed: February 23, 2011
Attorney Docket No. GLI-00001
For: WIREWAY FOR CONVEYOR

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 co-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) 272-3215. 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).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: WARN PARTNERS, P.C.
PO BOX 70098
ROCHESTER HILLS MI 48307

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Robert B. Royds	:	
Application No. 12/932,385	:	DECISION ON PETITION
Filed: February 23, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 13011006.CIP	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 23, 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, Robert B. Royds is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Office of Patent Application Processing for further processing.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THOMPSON & KNIGHT, L.L.P.
PATENT PROPERTY DEPARTMENT
1722 ROUTH STREET, SUITE 1500
DALLAS, TX 75201-2533

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of :
Sam Gavin Gibbs et al :
Application No. 12/932396 :
Filed: February 24, 2011 :
Attorney Docket No. 517104.000003 :

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 March 28, 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 the inventors Sam Gavin Gibbs and Kenneth Bernard Nolen are 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 3672 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

REYNOLD K. LAWSON SR.
P.O. BOX 2361
CULLMAN AL 35056

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of
LAWSON, Reynold K. Sr.
Application No. 12/932,543
Filed: February 26, 2011
Attorney Docket No. **LAW1**

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 26, 2011 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Reynold Lawson 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

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

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Earl G. Stocker	:	
Application No. 12/932,630	:	ON PETITION
Filed: March 2, 2011	:	
Attorney Docket No. SJ33/02	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 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 by the applicant's attorney 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 3781 for action on the merits commensurate with this decision.

A. Kelley-Collier

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RUFUS NICHOSON
235 OAK HILL DRIVE
TROPHY CLUB, TX 76262

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Nicholson et al.	:	
Application No. 12/932,638	:	ON PETITION
Filing: March 2, 2011	:	
Attorney Docket No. None	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 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 accompanied by a declaration from 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 2833 for action on the merits commensurate with this decision.

A. Kelley-Collier

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Thad Lagree Cason
17701 April Blvd. Lot192
P.O. Box 746
Alachua, FL 32615

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of :
Thad Lagree Carson :
Application No. 12/932,678 :DECISION ON PETITION
Filed: March 3, 2011 :TO MAKE SPECIAL UNDER
Attorney Docket No. N/A : 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 18, 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 from the sole inventor that he 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : July 1,2011

In re Application of :

Lakshmi Arunachalan

Application No : 12932758

Filed : 04-Mar-2011

Attorney Docket No : WEBX-104US

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 1,2011

The request is **APPROVED.**

The request was signed by Stephen J. Weed (registration no. 45202) on behalf of all attorneys/agents associated with Customer Number 14198 . All attorneys/agents associated with Cusotmer Number 14198 have been withdrawn.

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

Name	Lakshmi Arunachalam
Name2	
Address 1	222 Stanford Avenue
Address 2	
City	Menlo Park
State	CA
Postal Code	94025
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

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

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12932758
Filing Date	04-Mar-2011
First Named Inventor	Lakshmi Arunachalan
Art Unit	3625
Examiner Name	
Attorney Docket Number	WEBX-104US
Title	Method and apparatus for enabling real-time bi-directional transactions on a network

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 14198

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

10.40(c)(1)(iv)

Certifications

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

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

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

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

Name	Lakshmi Arunachalam
Address	222 Stanford Avenue
City	Menlo Park
State	CA
Postal Code	94025
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Stephen J. Weed/
Name	Stephen J. Weed
Registration Number	45202

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.
12/932,770	03/05/2011	James R. Monahan	2009-3	3890

7590 10/25/2011
William M. Fischer
62 Paradise Rd., #1
Golden, CO 80401

EXAMINER
SHAKERI, HADI

ART UNIT	PAPER NUMBER
3727	

MAIL DATE	DELIVERY MODE
10/25/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

William M. Fischer
62 Paradise Rd., #1
Golden CO 80401

Applicant: Monahan
Appl. No.: 12/932,770
Filing Date: March 5, 2011
Title: DRY WALL SCREW EMBEDDER
Attorney Docket No.: 2009-3
Pub. No.: US 2011/0219918 A1
Pub. Date: September 15, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on September 15, 2011, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because the applicant filed the request in paper using the U.S. Postal Service and not as a "Pre-Grant Publication" submission via the electronic filing system. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

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

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 10/25/2011 KKING1
09/22/2011 EFLORES 00000021 12932770
01 FC:1505 -300.00 OP

Refund Ref:
10/25/2011 0030103702

Credit Card Refund Total: $300.00

Master C: XXXXXXXXXXXX1271

PATENT
Attorney Docket No. 41124-701.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:		Confirmation No.:	**3078**
Inventor:	Alex Yuan	Examiner:	**Not Yet Assigned**
Application No.:	12/932,874	Group Art Unit:	**1614**
Filed:	March 7, 2011	Customer No.	**21971**
Title:	**AQUACULTURE BIOCIDE METHODS AND COMPOSITIONS**		

FILED ELECTRONICALLY ON: June 6, 2011

STATEMENT ACCOMPANYING PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

M/S Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

Applicant herewith submits the following statement accompanying a Petition to Make Special under the Green Technology Pilot Program.

The claims are directed to the development of renewable energy resources. The claims are directed at a more efficient method of growing algae as a renewable biomass. The method is more efficient because loss biomass due to grazing is mitigated.

Applicant suggests a classification for the application: Biofuel (USPC 44/605; 44/589). Applicant requests early publication.

A preliminary amendment compliant with 37 CFR 1.121 has reduced the number of claims to 20.

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 entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," and is classified in one of the U.S. classifications listed in section VI of the notice.

CONCLUSION

Applicant respectfully requests the Examiner accept this Petition to Make Special under the Green Technology Pilot Program and advance the application to issuance.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 41124-701.201).

Respectfully submitted,

Date: June 3, 2011

By: _____

Maya Skubatch
Registration No. 52,505

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1050
Direct Dial: (650) 493-9300
Customer No. 21971

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: 41124-701.201	Application Number (if known): 12/932,874	Filing date: March 7, 2011
First Named Inventor: Alex Yuan		
Title: Aquaculture Biocide Methods And Compositions		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amendment with Statement Of Special Status For Eligibility Requirement

Signature	Date June 3, 2011
Name (Print/Typed) Maya Skubatch	Registration Number 52,505

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

☒ *Total of 1 forms are submitted.

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

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

American LegalNet, Inc.
www.FormsWorkFlow.com

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/932,874	03/07/2011	Alex Yuan	41124-701.201	3078

21971 7590 06/16/2011
WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

EXAMINER

ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
06/16/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 1 6 2011

WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

In re Application of	:	
YUAN, Alex *et al.*	:	DECISION ON PETITION
Application No. 12/932874	:	TO MAKE SPECIAL UNDER
Filed: March 7, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 41124-701.201	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 6, 2011 , to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1614 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner &
POC for TC 1600 Green Tech Petitions
Technology Center 1600

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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FRANCIS LAW GROUP
1942 EMABARCADERO
OAKLAND CA 94606

MAILED
MAY 20 2011
OFFICE OF PETITIONS

In re Application of	:	
PEYMAN, et al	:	
Application No. 12/932,941	:	DECISION ON PETITION
Filed: March 9, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. KMG-02-004U	:	37 CFR 1.102(c)(1)
	:	

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 made by registered attorney Ralph C. Francis, 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 inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3700.

The application is being forwarded to Technology Center Art Unit 3767 for action on the merits commensurate with this decision.

/Diand C. Goodwyn/
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	12/932,949	Confirmation Number	4268	Filing Date	2011-03-10
Attorney Docket Number (optional)	488	Art Unit	3783	Examiner	
First Named Inventor	John Lodewyk Loth				
Title of Invention	Accelerated Compression Ignition Engine for HCCI				

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
Loth	Lodewyk	Loth	

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	/Gary J. Morris/	Date (YYYY-MM-DD)	2011-04-28
Name	Gary J. Morris	Registration Number	56689

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
John Lodewyk Loth

Application No. 12932949

Filed: March 10,2011

Attorney Docket No. 488

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

The petition is **GRANTED**.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRADLEY LLOYD WILK
APT #2
254 MONTGOMERY STREET
JERSEY CITY NJ 07302

MAILED
JUN 16 2011
OFFICE OF PETITIONS

In re Application of
Eric John Dluhos et al.
Application No. 12/932,980
Filed: March 6, 2011
Title of Invention: HOLOGRAPHIC COMPUTER SYSTEM

: DECISION GRANTING
: PETITION

This is a decision on the petition, filed May 31, 2011, requesting that the above-identified application be accorded a filing date of March 6, 2011. The petition is being treated under 37 CFR 1.53.

The application was filed on March 6, 2011 without drawings.[1] Accordingly, on March 29, 2011, the Office of Data Management mailed a "Notice of Incomplete Nonprovisional Application" stating that no filing date had been assigned because the application was deposited without drawings, and requiring drawings be filed if necessary.

In response, the present petition was filed. The petition states that the drawings are not necessary for an understanding of the subject matter sought to be patented. Petitioners request that the application, without drawings, be accorded a filing date of March 6, 2011.

It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).[2] Since the application was filed with at least one claim directed to a process or method, the application should have been treated as an application for which a drawing is not necessary and the Office of Data Management should have mailed a "Notice Of Omitted Item(s)." See MPEP § 601.01(f).

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[1] 35 U.S.C. § 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

[2] MPEP 601.01(f).

In view of the above, the Notice mailed March 29, 2011, is hereby withdrawn. The application is accorded a filing date of March 6, 2011, without drawings.

The petition is **GRANTED**. In view thereof, no petition fee is due. The petition fee in the amount of $400 will be refunded in due course.

The application is being forwarded to the Office of Patent Application Processing for further processing with a filing date of March 6, 2011, and for an indication on the bib-data sheet that no sheets of drawings were present on filing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 30 2011

PCT LEGAL ADMINISTRATION

Blank Rome LLP
One Logan Square
Philadelphia, PA 19103

In re Application of
GERHARD et al.
U.S. Application No.: 12/933,002
PCT No.: PCT/US2009/037401
International Filing Date: 17 March 2009
Priority Date: 17 March 2008
Attorney's Docket No.: 124798-00141
For: GENETIC INDICATORS OF WEIGHT LOSS

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicants' submission dated 09 June 2011, treated herein as a Petition under 37 CFR 1.182. Applicants are notifying the Office that the name of the second inventor is Christopher Doubet Still as indicated on the declaration rather than Christopher Doubet as indicated on the published international application.

In the published international application, the inventor was identified as Christopher Doubet. On the declaration filed 18 January 2011, this inventor was identified as Christopher Doubet Still. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

In this case, discrepancy in the second inventor's name is more than a mere typographical error or a phonetic misspelling of the applicant's name; accordingly, the present petition under 37 CFR 1.182 is required in order to correct the inventor's name as requested.

Here, applicants' submission included $400, satisfying the petition fee requirement. Additionally, applicants have submitted the required statement from the inventor confirming the name correction and that the error occurred without deceptive intent.

Based on applicants' statements herein, it is accepted that the correct full name for the third inventor herein is Christopher Doubet Still, as set forth on the declaration filed 18 January 2011.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to correct the name of record for the second inventor herein is GRANTED.

This application is being forwarded to the United States Designated/Elected Office for further processing and for review of the national stage papers submitted 18 January 2011.

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
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DARDI & HERBERT, PLLC
MOORE LAKE PLAZA, SUITE 205
1250 EAST MOORE LAKE DRIVE
FRIDLEY MN 55432

MAILED

NOV 01 2011

OFFICE OF PETITIONS

Applicants: Harald Mischak
Appl. No.: 12/933,026
International Filing Date: March 19, 2009
Title: METHOD AND MARKER FOR DIAGNOSIS OF TUBULAR KIDNEY DAMAGE AND ILLNESSES
Attorney Docket: 3581.33US01
Pub. No.: US 20110036717 A1
Pub. Date: February 17, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 13, 2011, for the above-identified application.

The request is granted

Applicant requests that the application be republished because the patent application publication contains errors on the front page of the publication wherein the foreign application (EP08153007.03) filing date is incorrect and the title of the invention.

The error in the priority information is material. However, the error in the title of the invention on the front page of the publication may be an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The error is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On November 10, 2010, a Filing Receipt was mailed by the Office, which incorrectly listed the title of the invention and the foreign application data. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application. It is noted that a request for a corrected Filing Receipt was received by the Office on April 5, 2011, and corrected by the Office on April 6, 2011.

Applicants should be aware that the request filed April 13, 2011, indicates the spelling of "TUBULAR" as "TUBLUR".

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

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

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

27 SEP 2010

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. (Stanley B&D)
P.O. Box 828
Bloomfield Hills MI 48303

In re Application of	:	
LANGE et al.	:	
Application No.: 12/933,032	:	
PCT No.: PCT/US2009/036153	:	DECISION ON PETITION
Int. Filing Date: 05 March 2009	:	UNDER 37 CFR 1.137(b)
Priority Date: 06 March 2008	:	
Attorney Docket No.: 0275-001550/US/NP	:	
For: FASTENER FOR AUTOMOTIVE COMPONENTS	:	

The petition to revive under 37 CFR 1.137(b) filed 16 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

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:	12/933,071	Filing date:	September 16, 2010
First Named Inventor:	Masaharu MIYAHISA		[Attorney Docket No. 085393-0329]
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/JP2009/006126

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.:	12/933,071
First Named Inventor:	Masaharu MIYAHISA [Attorney Docket No. 085393-0329]

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
1-12	1-12	Substantially the same

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

Signature	Date October 12, 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.

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/JP2009/006126.

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/JP2009/006126**

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, 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

Document 6 : JP 2008-234855 A (Matsushita Electric Industrial Co., Ltd.) 2008. 10. 02, ABSTRACT, CLAIM 1, and FIG. 1 to 12

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 docum ents cited in the ISR nor would be obvious to a person skilled in the art that an electrode grou p for a nonaqueous batterr comprises a negative electrode in which a plurality of grooves are fo rmed 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 sur

face of the active material layer, and a thickness of the porous protective film is smaller than a depth of the grooves.

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　P054620P0	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／ＪＰ２００９／００６１２６	（日.月.年）　１６．１１．２００９	（日.月.年）　１６．０１．２００９

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

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／JP2009／006126

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／JP2009／006126

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，実施例，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
文献6：JP 2008-234855 A（松下電器産業株式会社）2008.10.02，要約，請求項1，図1-12

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、非水系電池用電極群において、負極板の両面塗工部の両面に複数の溝部が形成され、かつ、負極板の片面塗工部には溝部が形成されておらず、前記溝部は、多孔性保護膜の表面から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。

Translation of claims determined to be patentable by the ISA

1. An electrode group for a nonaqueous batterr comprising:

a positive electrode and a negative electrode wound with a separator 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 and a porous protective film 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 porous protective film; 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 and a porous protective film formed only on one of the surfaces of the negative electrode current collector core,

a plurality of grooves are formed in each surface of the double-coated part of the negative electrode, while the grooves are not formed in the single-coated part of the negative 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 protective film is smaller than a depth of the grooves,

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 the porous protective film is made of a material containing inorganic oxide as a main ingredient.

3. The electrode group 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 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.

5. 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 μ m to 20 μ m.

6. 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 μ m to 200 μ m in the longitudinal direction of the negative electrode.

7. 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.

8. 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.

9. The electrode group for the nonaqueous battery of claim 1, wherein

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

10. 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 separator 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.

11. 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.

12. A method for producing the cylindrical nonaqueous secondary battery of claim 11, 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.

Claims of PCT/JP2009/006126

請求の範囲

[請求項1]　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および多孔性保護膜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、前記負極の集電用芯材の片面にのみ前記負極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、

前記負極板の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電極群。

[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電極群。

[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電極群。

[請求項5]　前記負極板の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6]　前記負極板の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電極群。

[請求項7]　前記負極板の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8]　前記負極板の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9]　前記負極の集電リードと前記負極板の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電極群。

[請求項10]　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、

前記セパレータ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11] 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、

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。

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/933,071	09/16/2010	Masaharu Miyahisa	085393-0329	5935

53080 7590 02/15/2011
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER
MOHADDES, LADAN

ART UNIT	PAPER NUMBER
1726	

MAIL DATE	DELIVERY MODE
02/15/2011	PAPER

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

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

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BC

February 15, 2011

In re application of Masaharu Miyahisa et al.. Serial No. 12/933,071 Filed: September 16, 2010 For: ELECTRODE GROUP FOR NON-AQUEOUS BATTERY AND METHOD FOR PRODUCING THE SAME, AND CYLINDRICAL NONAQUEOUS 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 October 12, 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 Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/933,072	09/16/2010	Hyeon Choi	29137.654.00	5943

30827 7590 05/31/2011
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
05/31/2011	PAPER

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

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

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1900 K STREET, NW
WASHINGTON DC 20006

In re Application of	:	
CHOI, HYEON et al	:	DECISION ON REQUEST TO
Application No. 12/933,072	:	PARTICIPATE IN PATENT
Filed: Sep, 16, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 29137.654.00	:	PROGRAM AND PETITION
Title: HEATING ELEMENT AND	:	TO MAKE SPECIAL UNDER
MANUFACTURING METHOD FOR SAME	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 26, 2011, to make the above-identified application special.

The request and petition are granted.

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

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

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

Other inquiries concerning the examination or status of the application should be directed to Tu Hoang, the SPE of Art Unit 3742 at 571-272-4780 for Class 219/553 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/933,077	09/16/2010	Hycon Choi	29137.656.00	6036

30827 7590 05/27/2011
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
05/27/2011	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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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of:
CHOI, HYEON et al
Application No.: 12/933,077
Filed: Sep. 16, 2010
Docket: 29137.656.00
Title: HEATER AND MANUFACTURING METHOD FOR SAME

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed May 26, 2011 to make the above-identified application special.

The request and petition are granted.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

Other inquiries concerning the examination or status of the application should be directed to Tu Hoang the SPE of Art Unit 3742 and 571-272-4780 for Class 219/260 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-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0059
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:	12/933,118	Filing date:	September 17, 2010
First Named Inventor:	Takahiro Yoshikawa		
Title of the Invention:	METHOD OF CONVERTING ETHYLBENZENE AND PROCESS FOR PRODUCING P-XYLENE		

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/JP2009/055258

The international date of the corresponding PCT application(s) is/are: March 18, 2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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.:	12/933,118
First Named Inventor:	Takahiro Yoshikawa

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 17, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 17, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
See EXHIBIT A	See EXHIBIT A	See EXHIBIT A

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

Signature /TDC/	Date January 12, 2011
Name (Print/Typed) T. Daniel Chirstenbury	Registration Number 31,750

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.

VERIFICATION OF TRANSLATION

I, Hidejiro Tanigawa of TANIGAWA AND ASSOCIATES at 6F, SK Iidabashi Bldg, 4-5-12, Iidabashi, Chiyoda-ku, Tokyo 102-0072 Japan do solemnly and sincerely declare that the English text in the middle column of Exhibit A is a correct translation of the allowed claims of PCT/JP2009/055258, which are faithfully reproduced in the left column of Exhibit A, to the best of my knowledge.

Dated this 12 day of January, 2011

Hidejiro Tanigawa

Hidejiro Tanigawa
TANIGAWA AND ASSOCIATES

EAST\44030585.1

EXHIBIT A

Claim No.	International Application No. PCT/JP2009/055258 in Japanese	International Application No. PCT/JP2009/055258 in English	Claim No.	US Application No. 12/933,118 after Preliminary Amendment
1	1.0重量%以上の脂環式炭化水素と、エチルベンゼン及びキシレンを含む供給原料を、触媒の存在下、水素と接触させて供給原料中のエチルベンゼンを主としてベンゼンに転化することを含むエチルベンゼンの転化方法であって、前記触媒は、MFI型ゼオライト及び無機酸化物から主として構成され、レニウムを担持する触媒であり、前記転化を、1.0MPa-G以上の反応圧力下で行う、エチルベンゼンの転化方法。	A process for converting ethylbenzene, said process comprising bringing a feedstock containing an alicyclic hydrocarbon(s) in an amount of not less than 1.0% by weight, ethylbenzene and xylene into contact with hydrogen in the presence of a catalyst to convert ethylbenzene mainly to benzene, wherein said catalyst is mainly composed of MFI zeolite and an inorganic oxide(s) and supports rhenium, and wherein said conversion is carried out at a reaction pressure of not less than 1.0 MPa-G.	1	A process for converting ethylbenzene comprising: contacting a feedstock containing an alicyclic hydrocarbon(s) in an amount of not less than 1.0% by weight, ethylbenzene and xylene with hydrogen in the presence of a catalyst at a reaction pressure of not less than 1.0 MPa-G to convert ethylbenzene mainly to benzene, wherein said catalyst is mainly composed of MFI zeolite and an inorganic oxide(s) and supports rhenium.
2	前記水素の前記供給原料に対する比率が、前記供給原料1mol当たり3mol以上である、請求項1記載の方法。	The process according to claim 1, wherein the ratio of said hydrogen to said feedstock is not less than 3 moles per 1 mole of said feedstock.	2	The process according to claim 1, wherein the ratio of said hydrogen to said feedstock is not less than 3 moles per 1 mole of said feedstock.
3	前記水素の前記供給原料に対する比率が、前記供給原料1mol当たり15mol以上である、請求項2記載の方法。	The process according to claim 2, wherein said ratio of said hydrogen to said feedstock is not less than 15 moles per 1 mole of said feedstock.	3	The process according to claim 2, wherein said ratio of said hydrogen to said feedstock is not less than 15 moles per 1 mole of said feedstock.
4	前記供給原料中の前記脂環式炭化水素の含有量が、3.0重量%以上である、請求項1ないし3のいずれか1項に記載の方法。	The process according to any one of claims 1 to 3, wherein the content of said alicyclic hydrocarbon(s) in said feedstock is not less than 3.0% by weight.	4	The process according to claim 1, wherein content of said alicyclic hydrocarbon(s) in said feedstock is not less than 3.0% by weight.

Claim No.	International Application No. PCT/JP2009/055258 in Japanese	International Application No. PCT/JP2009/055258 in English	Claim No.	US Application No. 12/933,118 after Preliminary Amendment
5	前記供給原料中の前記脂環式炭化水素の含量が16重量%以下である請求項1ないし4のいずれか1項に記載の方法。	The process according to any one of claims 1 to 4, wherein the content of said alicyclic hydrocarbon(s) in said feedstock is not more than 16% by weight.	5	The process according to claim 1, wherein content of said alicyclic hydrocarbon(s) in said feedstock is not more than 16% by weight.
6	前記反応圧力が1.3MPa-G～5.0MPa-Gである請求項1ないし5のいずれか1項に記載の方法。	The process according to any one of claims 1 to 5, wherein said reaction pressure is 1.3 MPa-G to 5.0 MPa-G.	6	The process according to claim 1, wherein said reaction pressure is 1.3 MPa-G to 5.0 MPa-G.
7	前記反応圧力が1.7MPa-G～3.0MPa-Gである請求項6記載の方法。	The process according to claim 6, wherein said reaction pressure is 1.7 MPa-G to 3.0 MPa-G.	7	The process according to claim 6, wherein said reaction pressure is 1.7 MPa-G to 3.0 MPa-G.
8	前記脂環式炭化水素が、シクロアルカン類である、請求項1ないし7のいずれか1項に記載の方法。	The process according to any one of claims 1 to 7, wherein said alicyclic hydrocarbon(s) is(are) cycloalkane(s).	8	The process according to claim 1, wherein said alicyclic hydrocarbon(s) is(are) cycloalkane(s).
9	前記シクロアルカン類が、アルキルシクロアルカンである請求項8記載の方法。	The process according to claim 8, wherein said cycloalkane(s) is(are) an alkylcycloalkane(s).	9	The process according to claim 8, wherein said cycloalkane(s) is(are) an alkylcycloalkane(s).
10	前記レニウムの担持量が、触媒全体に対して0.05重量%～2重量%である請求項1ないし9のいずれか1項に記載の方法。	The process according to any one of claims 1 to 9, wherein the content of said supported rhenium is 0.05% by weight to 2% by weight based on the entire catalyst.	10	The process according to claim 1, wherein the content of said supported rhenium is 0.05% by weight to 2% by weight based on the entire catalyst.
11	前記無機酸化物が、アルミナおよび／又はチタニアである請求項1ないし10のいずれか1項に記載の方法。	The process according to any one of claims 1 to 10, wherein said inorganic oxide(s) is(are) alumina and/or titania.	11	The process according to claim 1, wherein said inorganic oxide(s) is(are) alumina and/or titania.

Claim No.	International Application No. PCT/JP2009/055258 in Japanese	International Application No. PCT/JP2009/055258 in English	Claim No.	US Application No. 12/933,118 after Preliminary Amendment
12	1.0重量%以上の精製大炭化水素と、ホチルベンゼン及びキシレンを含む供給原料を、請求項1ないし11のいずれか1項に記載の方法に付して前記供給原料中のエチルベンゼンを主としてベンゼンに転化する工程と、 得られた反応生成物から蒸留分離でC8芳香族炭化水素混合物を精製する工程と、 次いで精製されたC8芳香族炭化水素混合物をパラキシレン分離工程に供給する工程を含む、パラキシレンの製造方法。	A process for producing *p*-xylene, said process comprising the steps of: subjecting a feedstock containing an alicyclic hydrocarbon(s) in an amount of not less than 1.0% by weight, ethylbenzene and xylene to said process according to any one of claims 1 to 11, thereby converting said ethylbenzene in said feedstock to mainly benzene; purifying C8 aromatics hydrocarbon mixture from the obtained reaction product by distillation; and thereafter, feeding the purified C8 aromatics hydrocarbon mixture to a *p*-xylene separation step.	12	A process for producing *p*-xylene comprising: subjecting a feedstock containing an alicyclic hydrocarbon(s) in an amount of not less than 1.0% by weight, ethylbenzene and xylene to said process according to claim 1, thereby converting said ethylbenzene in said feedstock to mainly benzene; purifying C8 aromatics hydrocarbon mixture from the obtained reaction product by distillation; and feeding purified C8 aromatics hydrocarbon mixture to a *p*-xylene separation step.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/933,118	09/17/2010	Takahiro Yoshikawa	TAN-10-1275	6508

35811 7590 03/21/2011
IP GROUP OF DLA PIPER LLP (US)
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EXAMINER
DANG, THUAN D

ART UNIT	PAPER NUMBER
1771	

NOTIFICATION DATE	DELIVERY MODE
03/21/2011	ELECTRONIC

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

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

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

pto.phil@dlapiper.com

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MAR 21 2011

CT

In re application of Takahiro Yoshikawa et al Serial No. 12/933,118 Filed: September 17, 2010 For: METHOD OF CONVERTING ETHYLBENZENE AND PROCESS FOR PRODUCING P-XYLENE	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed January 12, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

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

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

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

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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FEB 07 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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GAUTHIER & CONNORS, LLP
225 FRANKLIN STREET
SUITE 2300
BOSTON MA 02110

In re Application of:
BRUCHMANN, Claudia, et al.
U.S. Application No.: 12/933,164
PCT No.: PCT/EP2009/001967
International Filing Date: 17 March 2009
Priority Date: 17 March 2008
Attorney's Docket No.: PFENNING.9210
For: ADAPTIVE DEFORMABLE MIRROR FOR COMPENSATION OF DEFECTS OF A WAVEFRONT

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Petition To Add/Delete An Inventor Under 37 C.F.R 1.497(d)" filed 13 December 2010. Applicants have paid required $130 processing fee.

BACKGROUND

On 17 March 2009, applicants filed international application PCT/EP2009/001967. The application claimed a priority date of 17 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., 17 September 2010. The international application identified four applicant/inventors for the United States.

On 17 September 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 13 October 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 12 November 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and a declaration document executed by the four inventors of record as well as a fifth inventor, Sylvia GEBHARDT.

On 18 November 2010, the DO/EO/US issued a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed on 12 November 2010 was defective based on the inclusion of the fifth inventor, Sylvia GEBHARDT.

On 13 December 2010, applicants filed the "Petition To Add/Delete An Inventor Under 37 C.F.R 1.497(d)" considered herein. The petition requests that Sylvia GEBHARDT be added as an additional inventor of record, so as to permit acceptance of the previously filed declaration.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, applicants have filed a declaration that names an inventive entity different than that set forth in the international application (specifically, Sylvia GEBHARDT is added as an additional inventor). Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

Applicants have provided the required statement of non-deceptive intent from the person to be added as an inventor (Sylvia GEBHARDT), as well as payment of the required processing fee. Requirements (A) and (B) are therefore satisfied.

With respect to requirement (C), the assignee's consent, applicants have submitted a statement under 37 CFR 3.73(b) from the two assignees herein, accompanied by a receipt confirming the 12 November 2010 recording in the USPTO of an assignment. However, the statement does not indicate the reel and frame number where the assignment was recorded with the USPTO or, in the alternative, that a copy of the assignment is provided therewith and that an additional copy of the assignment has been submitted for recording in the USPTO (see 37 CFR 3.73(b)(1)). A revised statement under 37 CFR 3.73(b) including all required information is therefore required. Moreover, the petition was not accompanied by a statement executed by authorized representatives of the assignees in which the assignees specifically consent to the requested change in inventorship, as also required. Until the express statements of consent and a revised statement under 37 CFR 3.73(b) are provided, requirement (C) of a grantable request under 37 CFR 1.497(d) is not satisfied.

It is also noted that the declaration document filed on 12 November 2010 is defective because the six-page document appears to be a compilation of multiple copies of separately executed, five-page declarations. See MPEP § 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." The compilation is evident because the document filed by applicants consists of one copy of pages 1 though 4, and two different copies of page 5, each executed by a different inventor named thereon. Applicants must provide complete copies of the separate declarations executed by each of the inventors before such declarations may be accepted under 37 CFR 1.497.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice. The inventorship of record remains that set forth in the international application.

The declaration document filed 12 November 2010, which includes Sylvia GEBHARDT as an additional inventor, remains defective on the present record for failure to properly identify the inventors currently of record. The declaration is also defective because it appears to be a compilation of multiple documents.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should be entitled "Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy item (C) of a grantable request, as discussed above and in the MPEP, that is, a properly executed statement(s) of consent to the requested change in inventorship from the assignees, as well as a corrected statement under 37 CFR 3.73(b). Applicants must also provide copies of the complete declaration documents executed by each of the inventors.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

/RichardMRoss/

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

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In re Application of:	:	
BRUCHMANN, Claudia, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/933,164	:	REQUEST UNDER
PCT No.: PCT/EP2009/001967	:	37 CFR 1.497(d)
International Filing Date: 17 March 2009	:	
Priority Date: 17 March 2008	:	
Attorney's Docket No.: PFENNING.9210	:	
For: ADAPTIVE DEFORMABLE MIRROR	:	
FOR COMPENSATION OF DEFECTS	:	
OF A WAVEFRONT	:	

This decision is issued in response to the 'Renewed Request Under 37 C.F.R. 1.497(d)" filed 07 April 2011. Applicants have previously paid the required processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 07 February 2011. The decision dismissed without prejudice applicants' request to correct inventorship under 37 CFR 1.497(d), finding that applicants had failed to satisfy all the requirements of a grantable request. Specifically, applicants had failed to provide the consent of the assignees in the form required under 37 CFR 3.73(b). The decision also indicated that copies of the complete declarations executed by each of the inventors were required.

On 07 April 2011, applicants filed the "Renewed Request Under 37 C.F.R. 1.497(d)" considered herein.

DISCUSSION

The renewed petition was accompanied by a statement consenting to the requested change in inventorship executed on behalf of both assignees, as well as a revised statement under 37 CFR 3.73(b) that includes the required reel and frame information that was missing from the previously filed statement. These materials satisfy the outstanding assignee consent requirement of a grantable request under 37 CFR 1.497(d).

The present submission also included a copy of a revised declaration executed by all the inventors, including the inventor being added, Sylvia GEBHARDT, resolving the compilation defect noted in the earlier decision with respect to the previously filed declaration document.

In view of the above, applicants have now satisfied the final outstanding requirements for a grantable request under 37 CFR 1.497(d) to add Sylvia GEBHARDT as an additional inventor of record herein.

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to add Sylvia GEBHARDT as an additional inventor of record.

In view of this correction, the revised declaration filed on 07 April 2011, which included added inventor Sylvia GEBHARDT, may be accepted under 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 07 April 2011.

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of	:	
Victor Evgenievich Zhitomirsky	:	
Application No. 12/933,203	:	DECISION ON PETITION
Filed: January 10, 2011	:	TO WITHDRAW
Attorney Docket No. **029580.0102PTUS**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 10, 2012.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain

of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

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 JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
JUN 22 2011
PCT LEGAL ADMINISTRATION

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

In re Application of: MINISCI, Francesco, et al. :
U.S. Application No.: 12/933,204 :
PCT No.: PCT/EP2009/001922 :
International Filing Date: 13 March 2009 :
Priority Date: 18 March 2008 :
Attorney's Docket No.: 366969USOXPCT :
For: PROCESS FOR THE PRODUCTION :
OF ALKYLBENZENE :
HYDROPEROXIDES .... :

DECISION ON SUBMISSION
UNDER 37 CFR 1.42

This decision is issued in response to applicants' 09 November 2010 submission of a declaration executed on behalf of deceased co-inventor Ombretta PORTA by her heirs and legal representatives, considered herein as a submission under 37 CFR 1.42.

BACKGROUND

On 13 March 2009, applicants filed international application PCT/EP2009/001922. The international application claimed a priority date of 18 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., 18 September 2010.

On 17 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 13 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

On 09 November 2010, applicants filed a response to the Notification Of Missing Requirements that included a declaration executed by the five surviving inventors and by the heirs and legal representatives of deceased inventor Ombretta PORTA. The declaration is considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states the following:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representatives must be identified on the declaration, as well as the mailing address and residence information of the legal representatives and all other information required under 37 CFR 1.497. Here, the declaration filed 09 November 2010 includes the required citizenship, residence, and mailing address information for Angelo CLERICI and Alberto CLERICI, the two persons signing the declaration on behalf of deceased inventor Ombretta PORTA, as well as the required citizenship of the deceased inventor. The declaration also expressly states the relationship of the persons signing to the deceased inventor (i.e., "heir and legal representative"). The declaration therefore includes all information required under 37 CFR 1.497(b)(2).

CONCLUSION

Applicant's request for status under 37 CFR 1.42 with respect to deceased inventor Ombretta PORTA is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 09 November 2010.

/RichardMRoss/

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

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:	12/933,219	Filing date:	November 2, 2010
First Named Inventor:	McGinnis		
Title of the Invention:	Spiral Wound Membrane Module for Forward Osmotic Use		

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/US2009/037817

The international filing date of the corresponding PCT application(s) is/are: March 20, 2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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.:	12/933,219
First Named Inventor:	McGinnis

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

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

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

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-8	1-8	Same claims
9-12	9-12	Substantially identical, amended to delete multiple dependencies
13-16	13-16	Same claims
17	17	Substantially identical, amended to delete multiple dependency
18	18	Same claim
30	30	Same claim
36	1 and 16	Depends from independent claim 1 and is similar to novel and inventive dependent claim 16

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

Signature	Date 28 February 2011
Name (Print/Typed) ALAN W. STEELE	Registration Number 45,128

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.
12/933,219	11/02/2010	Robert L. McGinnis	YUX-004.01	7171

25181 7590 05/10/2011
FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

EXAMINER
MENON, KRISHNAN S

ART UNIT	PAPER NUMBER
1777	

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):

Patent@foleyhoag.com

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAY 10 2011

WG

In re application of Robert McGinnis Serial No. 12/933,219 Filed: November 2, 2010 For: SPIRAL WOUND MEMBRANE MODULE FOR FORWARD OSMOTIC USE	: : : : : : :	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 28, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, 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-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.:	12/933,222	Filing Date:	September 17, 2010
First Named Inventor:	Ko HERMANS et al.		
Attorney Docket No.:	146908		
Title of the Invention:	GREENHOUSE FOR ENHANCED PLANT GROWTH		

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/EP2009/053249

The international date of the corresponding PCT application(s) is/are: March 19, 2009

I. **List of Required Documents:**

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

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.:	12/933,222
First Named Inventor:	Ko HERMANS 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 17, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on September 17, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	The claims are substantially similar.
2	2	The claims are substantially similar.
3	3	The claims are substantially similar.
4	4	The claims are substantially similar, the only difference is dependency.
5	5	The claims are substantially similar, the only difference is dependency.
6	6	The claims are substantially similar, the only difference is dependency.
7	7	The claims are substantially similar, the only difference is dependency.
8	8	The claims are substantially similar.
9	9	The claims are substantially similar, the only difference is dependency.
10	10	The claims are substantially similar, the only difference is dependency.
11	11	The claims are substantially similar, the only difference is dependency.
12	12	The claims are substantially similar.
13	13	The claims are substantially similar.
14	14	The claims are substantially similar.
15-24	15	The claims are substantially similar, U.S. claims 16-24 incorporate all the subject matter of PCT claim 15.

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

Signature	Date October 26, 2010
Name (Print/Typed) William P. Berridge	Registration Number 30,024
Name (Print/Typed) Jennifer Kazanciyan	Registration Number 66,924

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.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/933,222	09/17/2010	Ko Hermans	146908	7205

25944 7590 12/15/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
POON, PETER M

ART UNIT	PAPER NUMBER
3643	

NOTIFICATION DATE	DELIVERY MODE
12/15/2010	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DEC 14 2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re application of Hermans et al. Application No. 12/933,222 Filed: September 17, 2010 For: GREENHOUSE FOR ENHANCED PLANT GROWTH	: : : : : :	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 26, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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: 12/13/10

UNITED STATES PATENT and TRADEMARK OFFICE

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

MAILED
JUL 12 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
KOLBE et al	:	
Application No.: 12/933,231	:	
Int. Application: PCT/EP09/00687	:	REQUEST UNDER
Int. Filing Date: 03 February 2009	:	
Priority Date: 20 March 2008	:	
Attorney's Docket No.: P38625	:	
For: PREPARATIONS... METHYLCYCLOHEXANE	:	37 CFR 1.497(d)

This is a decision on petitioner's "RESPONSE TO NOTIFICATION... PETITION FOR CORRECTION OF INVENTORSHIP 37 CFR 1.497(d)" filed on 13 December 2010, which is being treated as a request under 37 CFR 1.497(d) to delete joint inventor Stefanie HOELTKEMEIER in the executed declaration. Petitioner has provided the petition fee of $130.00 by credit card.

BACKGROUND

On 17 September 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee, but no executed declaration was submitted at such time.

On 13 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 1.47(a) and (b), identifying the application by International application number and international filing date." The notice also indicated that the items set forth above must be submitted within two (2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 13 December 2010, applicants filed, inter alia, a request under 37 CFR 1.497(d) to delete joint inventor Stefanie KNAUPMEIER in the executed declaration.

DISCUSSION

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

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

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

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

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

With respect to item (1), the statement submitted on 13 December 2010 by Stefanie KNAUPMEIER is sufficient because the statement states that the error in inventorship occurred without a deceptive intent. However, the executed declaration filed on 13 December 2010 is defective because it still lists joint inventor Stafanie KNAUPMEIER and has her signature on it, which makes the statements moot as there is support for her co-inventorship in the declaration currently filed.

In addition, the declaration is also a defective declaration because there are alterations on it - lines across the information on it. Any alternation made after the signing of an oath or declaration must be supported by a supplemental oath or declaration under §1.67. Note 37 CFR §1.52.

With respect to item (2), the processing fee of $130.00 has been provided by credit card.

With respect to item (3), BEIERSDORF AG, the assignee, has not consented to the correction of inventorship to the above application. Also, to establish the right of the Assignee to take action, applicant must submit a copy of the executed assignment or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b). In addition, whoever signs on behalf of the assignee must have either apparent authority because the title is one that is recognized to bind the assignee or have authority to act on behalf of the assignee. Note MPEP 1820

Accordingly, the request is deemed not to satisfy all the items (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

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

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

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

Rafael Bacares
PCT Legal Examiner
PCT Legal 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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ALEXANDRIA, VA 22313-1450
www.uspto.gov

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

MAILED
OCT 27 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
KOLBE et al	:	
Application No.: 12/933,231	:	
Int. Application: PCT/EP09/00687	:	PETITION UNDER
Int. Filing Date: 03 February 2009	:	
Priority Date: 20 March 2008	:	
Attorney's Docket No.: P38625	:	
For: PREPARATIONS... METHYLCYCLOHEXANE	:	37 CFR 1.182

This is a decision on petitioner's "RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 30 August 2011, which is being treated as a request under 37 CFR 1.182 in support of the petition to change the name of the fifth joint inventor from Stefanie HOELTKEMEIER to Stefanie KNAUPMEIER.

BACKGROUND

In a decision from this Office on 12 July 2011, the decision indicated that the request was dismissed because the request did not satisfy items (1) and (3) of 37 CFR 1.497(d).

On 30 August 2011, petitioner filed the current renewed request, which included, *inter alia*, a statement that Stefanie KNAUPMEIER is the correct joint inventor and requests the deletion of Stefanie HOELTKEMBIER. The filing is being treated as a petition under 37 CFR 1.182.

DISCUSSION

A review of the current request and file shows that petitioner is requesting a name change in the declaration under 37 CFR 1.182 rather than a change of inventorship under 37 CFR 1.497(d). The petition is due to fact that Stefanie HOELTKEMBIER has married and has changed her name to her married name, which is Stefanie KNAUPMEIER.

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee of $400.00 under 37 CFR 1.182 has been charged to petitioner's Deposit Account No.: 19-0089.

With respect to item (2), petitioner has provided with the petition filed on 13 December 2010 an affidavit from Stefanie KNAUPMEIER explaining her named changed from Stefanie HOELTKEMBIER (maiden name) to Stefanie KNAUPMEIER (married named), and sets forth the procedure whereby the change of name was effected. She signed the affidavit and declaration under her married name. Therefore, item (2) has been satisfied.

The fee of $130.00 set forth in §1.17(I) under 37 CFR 1.497(d) is being refunded to petitioner's Deposit Account No.: 19-0089 as the proper filing is a petition under 37 CFR 1.182 rather than 37 CFR 1.497(d).

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

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

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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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:	12/933,282	Filing date:	2010-09-17
First Named Inventor:	Christian Herzig		
Title of the Invention:	Wax-Like Beta-Ketocarbonyl-Functional Organosilicone Compounds		

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/EP2009/053415

The international filing 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)**

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

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

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

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

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

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

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

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

(continued)

Application No.:	12/933,282
First Named Inventor:	Christian Herzig

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on September 17, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on September 17, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
9	1	Rewritten in U.S. Format and to remove "preferable" limitations
10	1	Reinstate "preferable" limitations from PCT claim 1
11	1	Reinstate "preferable" limitations from PCT claim 1
12	2	Rewritten in U.S. Format
13	3	Rewritten in U.S. Format and to eliminate multiple dependencies
14	4	Rewritten in U.S. Format and to eliminate multiple dependencies
15	5	Rewritten in U.S. Format
16	6	Rewritten in U.S. Format and to remove "preferable" limitations
17	7	Rewritten in U.S. Format
18	8	Rewritten in U.S. Format and to remove "preferable" limitations
19	8	Dependent on claim 15
20	8	Reinstate preferred range from PCT claim 8
21	8	As for claim 20 but dependant on claim 15

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

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

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHRISTIAN HERZIG et al.

Group Art Unit: 1766

Examiner: Lindsay Ann Nelson

Serial No.: 12/933,282

Filed: September 17, 2010

For: WAX-LIKE BETA-KETOCARBONYL-FUNCTIONAL ORGANOSILICON COMPOUNDS

Attorney Docket No.: WAS1091PUSA

RESPONSE TO DISMISSAL OF PETITION TO PARTICIPATE IN THE PCT-PPH PILOT PROGRAM AND PETITION TO MAKE SPECIAL

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office communication dated April 27, 2011, kindly amend the application as follows:

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.
12/933,282	09/17/2010	Christian Herzig	WAS1091PUSA	7636

22045 7590 04/27/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
NELSON, LINDSAY ANN

ART UNIT	PAPER NUMBER
1766	

MAIL DATE	DELIVERY MODE
04/27/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CT

April 27, 2011

In re application of Christian Herzig Serial No. 12/933,282 Filed: September 17, 2010 For: WAX-LIKE BETA-KETOCARBONYL-FUNCTIONAL ORGANOSILICON COMPOUNDS	: : : : : : :	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 March 2, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

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

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

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

The request to participate in the PPH program and petition fail because:

4) All of 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).

Independent claim 9 of the present application corresponds to claim 1 of the PCT, however claim 9 sets forth that R2 may comprise one or more "non-adjacent nitrogen atoms" whereas claim 1 of the PCT requires that R2 may comprise one or more "separate nitrogen atoms". Also, claim 9 of the present application sets forth that L is a "(y+1)-functional organic radical" whereas claim 1 sets forth that L is a (b+1)-functional organic radical".

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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.
12/933,282	09/17/2010	Christian Herzig	WAS1091PUSA	7636

22045 7590 05/05/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
NELSON, LINDSAY ANN

ART UNIT	PAPER NUMBER
1766	

MAIL DATE	DELIVERY MODE
05/05/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

May 5, 2011

In re application of Christian Herzig Serial No. 12/933,282 Filed: September 17, 2010 For: WAX-LIKE BETA-KETOCARBONYL-FUNCTIONAL ORGANOSILICON COMPOUNDS	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the supplemental request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed May 3, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

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

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

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

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

MAILED
JAN 06 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Yvan Guindon	:	
Application No.: 12/933,291	:	
PCT No.: PCT/IB2009/005470	:	
Int. Filing Date: 18 March 2009	:	PETITION UNDER
Priority Date: 18 March 2008	:	
Attorney's Docket No.: 06-695-WO-US	:	
For: NUCLEOTIDE ANALOGUES...	:	
METHODS OF USE	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 04 November 2010.

BACKGROUND

On 18 March 2009, this international application was filed, claiming an earliest priority date of 18 March 2008.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 18 September 2010. This international application became abandoned with respect to the United States at midnight on 18 September 2010 for failure to pay the required basic national fee.

On 17 September 2010, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the copy of the international application. However, the national basic fee and executed declaration were not provided at such time.

On 14 October 2010, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since the applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 04 November 2010, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and the basic national fee.

On 30 November 2010, an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

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

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

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

MAILED
AUG 04 2011
OFFICE OF PETITIONS

In re Application of.	:	
Khattak	:	
Application No.: 12/933,300	:	ON PETITION
Filed: April 13, 2011	:	
Attorney Docket No: **81452(42579)**	:	

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) 272-3222.

/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
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AUG 16 2011

PCT LEGAL ADMINISTRATION

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

In re Application of MUSHA et al. Application No.: 12/933,319 PCT No.: PCT/JP2009/053362 Int. Filing Date: 25 February 2009 Priority Date: 17 March 2008 Attorney's Docket No.: Q120187 For: ORIGIN POSITION SIGNAL DETECTOR	:	DECISION ON PAPERS UNDER 37 CFR 1.42

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 07 January 2011, which was accompanied by a declaration of inventors. The indication in this declaration that inventor Koichi TAKAMUNE is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 25 February 2009, applicants filed international application PCT/JP2009/053362, which designated the U.S. and claimed a priority date of 17 March 2008. The thirty-month period for paying the basic national fee in the United States expires at midnight on 17 September 2010.

On 17 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.

On 13 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 07 January 2011, applicants filed a submission which included a declaration of inventors. The indication in the declaration that inventor Koichi TAKAMUNE is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 07 January 2011 has been reviewed and has been found in compliance with 37 CFR 1.42.

The declaration filed 07 January 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

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18 NOV 2010
PCT LEGAL ADMINISTRATION

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

In re Application of:
LI, Shiqing, et al.
U.S. Application No.: 12/933,324
PCT No.: PCT/CN2008/000546
International Filing Date: 19 March 2008
Priority Date: 19 March 2008
Attorney Docket No.: 007685.00003
For: A HELICAL BIT TOOL

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 14 October 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/CN2008/000546 became abandoned with respect to the United States at midnight on 19 September 2010 based on applicants' failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date. Applicants filed materials to initiate the present national stage application on 17 September 2010; however, as evidenced by the Electronic Acknowledgement Receipt, the 17 September 2010 submission did not include a fee payment. The abandonment of the present application was confirmed in a "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed 07 October 2010.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of payment of the small entity 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 requirements of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

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

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MAR 30 2012

OFFICE OF PETITIONS

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

In re Application of	:
Jong-Ho Jeon, et al.	: DECISION ON REQUEST TO
Application No.: 12/933,336	: PARTICIPATE IN THE PATENT
Filed: 17 September 2010	: PROSECUTION HIGHWAY
Attorney Docket No.: 3563-0139PUS1	: PROGRAM AND PETITION
For: NON-AQUEOUS ELECTROLYTE	: TO MAKE SPECIAL UNDER
SOLUTION FOR LITHIUM	: 37 CFR 1.102(a)
SECONDARY BATTERY AND LITHIUM	:
SECONDARY BATTERY COMPRISING	:
THE SAME	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 01 February 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

    or

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

    or

   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim;
2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

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

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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JAN 25 2011

PCT LEGAL ADMINISTRATION

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

In re Application of:	:	
CRONJE, Louise, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/933,354	:	(37 CFR 1.137(b))
PCT No.: PCT/ZA2008/000069	:	
International Filing Date: 31 July 2008	:	
Priority Date: 23 January 2008	:	
Attorney Docket No.: HAHN37.001APC	:	
For: A PLUMBING CONNECTION HUB	:	

The petition for revival under 37 CFR 1.137(b) filed 17 September 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/ZA2008/000069 became abandoned with respect to the United States at midnight on 23 July 2010 based on applicants' failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity 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 C.F.R. § 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 17 September 2010.

/RichardMRoss/

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

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FEB 04 2011

PCT LEGAL ADMINISTRATION

DICKSTEIN SHAPIRO LLP
1633 Broadway
NEW YORK NY 10019

In re Application of :
ALTHEIMER, Helmut, et al. :
Application No.: 12/933,360 :
PCT No.: PCT/EP2009/001571 :
Int. Filing Date: 05 March 2009 : NOTIFICATION
Priority Date: 05 March 2008 :
Attorney Docket No.: M0023.0004 :
For: RESCALING OF THE TARGET :
ASTIGMATISM FOR OTHER :
ADDITIONS :

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

BACKGROUND

On 17 September 2010, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The transmittal letter identified the filing as a national phase entry of PCT/EP2009/00157103, while other papers and the electronic data identified the application as a national phase entry of PCT/EP2009/001571.

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 clarify the national phase identity of this application.

CONCLUSION

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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MAY 06 2011

PCT LEGAL ADMINISTRATION

DICKSTEIN SHAPIRO LLP
1633 Broadway
NEW YORK NY 10019

In re Application of	:	
ALTHEIMER, Helmut, et al.	:	
Application No.: 12/933,360	:	
PCT No.: PCT/EP2009/001571	:	
Int. Filing Date: 05 March 2009	:	DECISION
Priority Date: 05 March 2008	:	
Attorney Docket No.: M0023.0004	:	
For: RESCALING OF THE TARGET	:	
ASTIGMATISM FOR OTHER	:	
ADDITIONS	:	

This decision is in response to applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 08 March 2011.

BACKGROUND

On 04 February 2011, 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 08 March 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/EP2009/001571. 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/EP2009/001571.

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

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OCT 18 2010

PCT LEGAL ADMINISTRATION

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

In re Application of	:	
CONRY, et al.	:	DECISION ON PETITION
Application No.: 12/933,447	:	
PCT No.: PCT/IB2008/003717	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 08 October 2008	:	
Priority Date: 01 November 2007	:	
Atty. Docket No.: 67426-023 PUS1	:	
For: MULTI-STAGE COMPRESSOR	:	

The petition to revive under 37 CFR 1.137(b) filed 20 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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BOX 401
TORONTO ON M5H 3Y2
CANADA

MAILED

OCT 11 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
MEDIN, Jeffrey, et al.	:	
Application No.: 12/933,460	:	
PCT No.: PCT/CA2009/000342	:	
Int. Filing Date: 20 March 2009	:	DECISION
Priority Date: 20 March 2008	:	
Attorney's Docket No.: 10723-327	:	
For: THYMIDYLATE KINASE FUSIONS	:	
AND USES THEREOF	:	

This decision is in response to applicants' "Petition For Reconsideration of Refusal of Refund Request," filed in the United States Patent and Trademark Office on 18 May 2011.

BACKGROUND

On 20 September 2010, applicants filed a transmittal letter to the United States Designated/Elected Office, accompanied by the basic national fee, search fee, examination fee, and an authorization to charge any additional required fees.

On 08 October 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors, a surcharge for late filing of the search fee, examination fee or oath or declaration and a sequence listing in computer readable format (CRF) in compliance with regulations were required. The Office also charged additional claim fees.

On 10 January 2011, applicants filed a declaration of the inventors, a CRF and a preliminary amendment and authorized the Office to charge $1248, including the $988 for 19 excess claims.

On or around 18 January 2011, applicants filed a refund request requesting the refund of $3822 in additional claim fees previously paid.

On 24 January 2011, the Office refunded the $988 for the 19 additional claims paid 10 January 2011.

On 25 January 2011, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt.

On 31 January 2011, the Office mailed a decision refusing the refund request as the originally filed application did not include a preliminary amendment cancelling the claims.

On 05 April 2011, applicants filed a second Request for Refund, requesting a refund of the $4394.

DISCUSSION

As set forth in MPEP 1893.01(c):

> A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that is effective to cancel claims and/or eliminate multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f). A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid. MPEP §607 and §608.

Applicants filed a preliminary amendment with the initial national phase filing, but applicants did not amend the claims. The claim fees were owed (see 37 CFR 1.492), payment was authorized, and the fees were properly charged.

A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid.

CONCLUSION

For the above reasons, applicants' petition to refund the additional claim fees is **DISMISSED** without prejudice.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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RISSMAN HENDRICKS & OLIVERIO, LLP
100 Cambridge Street
Suite 2101
Boston, MA 02114

MAILED

DEC 20 2010

PCT LEGAL ADMINISTRATION

In re Application of:
DVORSKY, et al.
U.S. Application No.: 12/933,477
Filing Date: September 20, 2010
Attorney's Docket No.: N001-7070US2
For: LOCATING AND ANALYZING PERFORATOR FLAPS FOR PLASTIC AND RECONSTRUCTIVE SURGERY

DECISION

This decision is issued in response to applicant's petition filed 04 November 2010 in the United States Patent and Trademark Office (USPTO). Applicant requests that the present application be treated as a U.S. National Filing of PCT/IB2009/005700 filed under 35 U.S.C. 111.

BACKGROUND

On 14 April 2009, applicant filed international application PCT/IB2009/005700 which claimed a priority date of 14 April 2008. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 14 October 2010.

On 20 September 2010, applicant initiated the present application by filing electronically a "Transmittal Letter for National Stage Application Under 35 U.S.C. 371" requesting entry into the U.S. national stage for international application "PCT/IB2009/05700." The Transmittal Letter was accompanied by, among other materials, an Application Data Sheet (ADS); an Information Disclosure Statement and an amended specification.

During the electronic filing process, applicant identified the present application as a "U.S. National Stage under 35 USC 371" application. Accordingly, the application was processed by the USPTO as a filing under 35 U.S.C. 371.

On 19 October 2010, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors was required.

On 04 November 2010, applicant filed the petition considered herein. Applicant requests that the present application be treated as a U.S. National Filing under 35 U.S.C. 111(a).

DISCUSSION

The USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

> The documents and fees submitted . . . must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise the submission will be considered as being made under 35 U.S.C. 111(a).

In addition, section 1893.03(a) of the MPEP states that:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

The Transmittal Letter Form electronically filed by applicant on 20 September 2010 identified the application as a national stage filing under 35 U.S.C. 371. However, applicant's filing included an amended specification and ADS which identified the application as a "continuation-in-part" of international application PCT/IB2009/005700.

Applicant's identification of the application as a utility application filed under 35 "continuation-in-part" of international application PCT/IB2009/005700 is a conflicting instruction that is not consistent with the intent to file a U.S. national stage application under 35 U.S.C. 371. As such, it is proper to grant applicant's petition and have the present application treated as filing under 35 U.S.C. 111(a).

CONCLUSION

For the reasons detailed above, the petition to convert the application to a filing under 35 U.S.C. 111(a) is GRANTED.

This application is being forwarded to the Office of Initial Patent Examination for processing as a filing under 35 U.S.C. 111(a).

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

MAILED
NOV 03 2010
PCT LEGAL ADMINISTRATION

In re Application of VOLANTHEN et al :
U.S. Application No.: 12/933,488 :
PCT Application No.: PCT/GB2009/000608 : DECISION
Int. Filing Date: 04 March 2009 :
Priority Date Claimed: 07 March 2008 :
Attorney Docket No.: IPLTP0179US :
For: LIGHTNING DETECTION :

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 20 September 2010.

BACKGROUND

On 04 March 2009, applicant filed international application PCT/GB2009/000608, which claimed priority of an earlier United Kingdom application filed 07 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 11 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 07 September 2010.

On 08 September 2010, international application PCT/GB2009/000608 became abandoned as to the United States for failure to timely pay the basic national fee.

On 20 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.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT and TRADEMARK OFFICE

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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: IP DOCKETING
P.O. BOX 7037
ATLANTA GA 30357-0037

MAILED
FEB 03 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
BARBOIU et al	:	
Application No: 12/933,621	:	
PCT No.: PCT/FR2009/000289	:	
Int. Filing Date: 19 March 2009	:	REQUEST FOR REFUND
Priority Date: 19 March 2008	:	
Attorney's Docket No.: C64809 1020US (0002.1)	:	
For: SUPERCONDUCTING ELECTROLYTIC...	:	
AND USES THEREOF	:	UNDER 37 CFR 1.26

This Decision is in response to applicants' "SECOND REQUEST FOR REFUND OF EXCESS CLAIM FEES" filed on 22 November 2010, which is being treated as a request under 37 CFR 1.26 requesting a refund of the $5,104.00 for claims fee paid upon filing the above identified application.

BACKGROUND

On 19 March 2009, this international application was filed, claiming an earliest priority date of 19 March 2008. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 19 September 2010.

On 20 September 2010, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee, the copy of the international application, and a preliminary amendment to the claims.

On 20 September 2010, the USPTO charged applicants' Deposit Account $6,578.00. This was amount due at the time of filing the aforementioned application for the total number of claims filed at such time in the USPTO. The amount was calculated based on the Preliminary amendment filed on 20 September 2010 which resulted with a total number of claims of 146 for a total cost of $6,552.00 (applicant was initially charged 6,188.00) for the claims and $390.00 for multiple dependent claim present.

On 09 November 2010 and 22 November 2010, applicants filed a "Request For Refund" requesting that the Deposit Account be refunded $5,104.00 as this was paid in excess based on the number of claims. Also, included with the second request is a second preliminary amendment that amends claim 19 from depending, "in any of the preceding claims" to becoming an independent claim.

On 22 November the USPTO denied the refund request.

DISCUSSION

Pursuant 37 CFR §1.26(a) (refunds) "[t]he Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."...

Applicant argues that the preliminary amendment filed on 20 September 2010 was intended to remove all multiple dependencies present in the claims but inadvertently failed to remove the multiple dependency from claim 19. As a result, applicant argues that in order to correct the error the second preliminary amendment filed on 22 November 2010 in conjunction with the petition removes the multiple dependency phrase and the claim fees be calculated after the entry of this second Preliminary Amendment.

Applicant's argument is unpersuasive because the second preliminary amendment was filed on 22 November 2010 after the USPTO correctly charged for the number of claims in the application file. Consequently, the USPTO properly and correctly charged 146 claims, as well as the basic national fee, examination fee and search fee at the time of filing the application.

In this instance, applicants are not entitled to a refund under 37 CFR 1.26. The USPTO charges the claim fee based on the number claims in the application at the time of filing the application. In this instance, the number of claims in the application were 146 for a cost of $6,552.00 plus $390.00 for multiple dependent claim present. Accordingly, the USPTO properly charged for the correct of claims at such time.

In addition, MPEP §1893.01(c) is clear on this point, the relevant part quoted below:

> A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that *>is effective to cancel< claims and/or *>eliminate<multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f). <u>A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid. See MPEP § 607 and § 608</u>.

Moreover, petitioner subsequent amendment on 22 November 2010 further eliminating the multiple dependent claims does entitle petitioner for a refund on the number of claims paid at the time of filing the application. Accordingly, under 37 CRF 1.26 applicants are not entitled to a refund of $5,104.00 as applicant did not paid in "excess of that required" but the correct number of claims filed at the time of submitting the aforementioned application.

Accordingly, under 37 CRF 1.26 applicants are not entitled to a refund of $5,104.00.

CONCLUSION

For reasons above, the request is **REFUSED**.

If reconsideration of the merits of the petition under 37 CFR 1.426 is desired, petitioner 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 1.26."

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459

United States Patent and Trademark Office

MAILED

NOV 17 2010

PCT LEGAL ADMINISTRATION

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

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA, SUITE 300
GARDEN CITY NY 11530

In re Application of	:	
Zhai et al.	:	
Application No.: 12/933,726	:	DECISION
PCT No.: PCT/CN2008/071391	:	
Int. Filing Date: 20 June 2008	:	ON
Priority Date: 01 February 2008	:	
Attorney Docket No.: 26635	:	PETITION
For: Method, System And Device For Connection	:	
Establishment Based On LTE/SAE System	:	

The petition to revive under 37 CFR 1.137(b) filed on 21 September 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **08 November 2010**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/933,766	10/04/2010	Katsutoshi Ara	2537.0370000/MAC	1437

26111 7590 05/27/2011
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
VOGEL, NANCY TREPTOW

ART UNIT	PAPER NUMBER
1636	

MAIL DATE	DELIVERY MODE
05/27/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

Applicant: Ara et al.
Appl. No.: 12/933,766
Filing Date: October 4, 2010
Title: METHOD OF MODIFYING TARGET REGION IN HOST DNA AND SELECTABLE MARKER CASSETTE
Attorney Docket No.: 2537.0370000/MAC
Pub. No.: US 2011/0014709 A1
Pub. Date: January 20, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on May 12, 2011, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

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

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 05/31/2011 KKING1
05713/2011 INTEFSW 00000809 12933766
01 FC:1504 -300.00 OP

Refund Ref:
05/31/2011 0030098235

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX1005

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 29 2010

PCT LEGAL ADMINISTRATION

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398

In re Application of
FORD, Lance P.
Application No.: 12/933,792
PCT No.: PCT/US2009/033783
Int. Filing Date: 11 February 2009
Priority Date: 11 February 2008
Attorney Docket No.: 6162-00202
For: INCREASING EFFICIENCY OF NUCLEIC ACID DELIVERY IN VIVO USING TARGETING CONJUGATES

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 21 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
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MAR 28 2011

PCT LEGAL ADMINISTRATION

FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
WEINER, Howard, et al.	:	
U.S. Application No.: 12/933,800	:	
PCT No.: PCT/US2009/037696	:	
Int. Filing Date: 19 March 2009	:	DECISION
Priority Date: 21 March 2008	:	
Attorney Docket No.: 05311-0062US1	:	
For: MODULATION OF THE IMMUNE RESPONSE	:	

This is a decision on the petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 19 October 2010.

BACKGROUND

On 21 September 2010, applicants filed a transmittal letter to the United States Designated/Elected Office accompanied by, *inter alia*, two different authorizations to charge any required fees to deposit account no. 06-1050.

On 19 October 2010, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to pay the basic national fee by 30 months from the priority date.

On 19 October 2010, applicant filed a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

DISCUSSION

As applicants had furnished an authorization to charge required fees, with the firm listed as an authorized party and the deposit account had sufficient funds on the day the fees were due, this application should not have been held abandoned.

CONCLUSION

For the above reason, applicants' petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment(Form PCT/DO/EO/909) mailed 19 October 2010 is **VACATED**.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Phone: (571) 272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

NOV 01 2011

PCT LEGAL ADMINISTRATION

In re Application of
MOBERG, et al.
Application No.: 12/933,807
PCT No.: PCT/SE2009/050284
Int. Filing Date: 19 March 2009
Priority Date: 21 March 2008
Attorney Docket No.: 2380-1525
For: PROHIBITING UNNECESSARY SCHEDULING REQUESTS FOR UPLINK GRANTS

DECISION ON PETITION

This decision is in response to applicant's "Petition To Revive Unintentionally Abandoned Application" filed in the United States Patent and Trademark Office (USPTO) on 30 August 2011. For the reasons discussed below, the petition is being treated as a petition under 37 CFR 1.182. The $400 petition fee under 37 CFR 1.17 has been charged to Deposit Account no. 14-1140 as authorized.

BACKGROUND

On 19 March 2009, applicant filed international application PCT/SE2009/050284 which claimed a priority date of 21 March 2008. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 September 2009. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 21 September 2010.

On 21 September 2010, applicant filed a transmittal letter for entry into the national stage accompanied, *inter alia,* by: the requisite basic national fee; an Information Disclosure Statement and a preliminary amendment.

On 19 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration executed by the inventors was required. The notification set a TWO MONTH period for response.

On 15 August 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond to the Form PCT/DO/EO/905 mailed 19 October 2010.

On 30 August 2011, applicant filed the petition discussed herein indicating that a response was filed on 20 December 2010 with the incorrect U.S. application serial number listed on the transmittal form.

DISCUSSION

As noted in applicant's present petition, applicant's response of 20 December 2010 was submitted in application 12/933,907.

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. Here, applicant has provided a copy of their date-stamped filing receipt. Notwithstanding the incorrect serail number, the postcard identifies the application by first named inventor, title and attorney docket number. The receipt itemizes, inter alia: "Declaration(4 pgs)." The receipt is stamped "OPAP DEC 20 2010 IAP16 PATENT & TRADEMARK OFFICE" across its face. Thus, it is clear that applicant filed the executed declaration with the USPTO on 20 December 2010; albeit in the wrong application. Accordingly, the present petition has been treated as a petition under 37 CFR 1.182 to correct the application number identified on applicant's 20 December 2010 submission to the proper application number, that is, 12/933,807.

A review of the papers filed 20 December 2010 reveals that the declaration included sufficient information to permit identification of the application to which it was intended to be directed, i.e., national stage application no. 12/933,807. Those papers will be moved into application 12/933,807.

CONCLUSION

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

The Form PCT/DO/EO/909 mailed 15 August 2011 is hereby **VACATED**.

This application has an international application filing date of 19 March 2009 and will be given a date of **20 December 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Attorney Docket # 33900-365PUS - 301571.000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Michel BAYLOT et al.

Serial No.: 12/933,837

Filed: December 22, 2010

For: A Floating Support Including a Turret Fitted with a Disconnectable Buoy for Mooring Bottom-to-Surface Connection Pipes

Examiner:
Group Art:

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

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

SIR:

This is a request for participation in the PPH under the PCT Pilot Program between the EPO and the USPTO. The subject US Patent Application is a national phase application from PCT Application No. PCT/FR2009/050454. A corresponding European Patent Application National Phase was filed from PCT Application No. PCT/FR2009/050454 on March 19, 2009. The EP National Phase Application has now issued as European Patent No. EP 2 252 500 B1.

In accordance with PTO Press Release 11-43 issued on July 1, 2011, it is respectfully submitted that this PPH Request be granted on the basis of results available from the EP family member, namely EP 2 252 500 B1.

The showing for a PPH Request is set forth below:

1. A copy of issued EP Patent No. 2 252 500 B1 is attached and contains an English language translation of the claims.

2. An Information Disclosure Statement has been filed on September 21, 2010 citing the International Search Report from PCT/FR2009/050454 along with the copies of the references cited therein.

3. All the claims in the subject U.S. patent application sufficiently correspond to the patentable claims in the corresponding EP Patent No. 2 252 500 B1 which, in turn is a National Phase application from PCT/FR2009/050454.

Respectfully submitted,
COZEN O'CONNOR

By /Edward M. Weisz/

Edward M. Weisz
Reg. No. 37,257
277 Park Avenue
New York, New York 10172
(212) 883-4900

Dated: January 31, 2012

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 29 2012

OFFICE OF PETITIONS

COZEN O'CONNOR
277 PARK AVENUE, 20TH FLOOR
NEW YORK, NY 10172

In re Application of	:
Michel Baylot, et al.	: DECISION ON REQUEST TO
Application No.: 12/933,837	: PARTICIPATE IN THE PATENT
Filed: 22 December 2010	: PROSECUTION HIGHWAY
Attorney Docket No.: 33900-365PUS	: PROGRAM AND PETITION
For: FLOATING SUPPORT INCLUDING	: TO MAKE SPECIAL UNDER
A TURRET FITTED WITH A	: 37 CFR 1.102(a)
DISCONNECTABLE BUOY FOR	:
MOORING BOTTOM-TO-SURFACE	:
CONNECTION PIPES	:

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 31 January 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, IPAU, APO, RU, SPTO, PRV, 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.

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

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

Requirements (1) and (5) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (2)-(4) and (6)-(8).

Regarding requirement (6), applicant has failed to provide an English translation of the Written Opinion (PCT/ISA/237).

Regarding requirements (2)-(4) and (7), it cannot be determined whether these requirement (2) has been met since applicant has failed to submit a copy of the Written Opinion (PCT/ISA/237).

Regarding requirement (8), applicant has failed to provide a claims correspondence table.

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

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

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

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.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attorney Docket # 33900-365PUS - 301571.000 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Michel BAYLOT et al. Serial No.: 12/933,837 Filed: December 22, 2010 For: A Floating Support Including a Turret Fitted with a Disconnectable Buoy for Mooring Bottom-to-Surface Connection Pipes	Examiner: Group Art:

Mail Stop **Amendment**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN THE PPH

SIR:

RESPONSE

This is a response to the March 29, 2012 Decision dismissing Applicant's Request to Participate in the PPH.

In the Decision, it was reported that Conditions 1 and 5 for a PPH Request have been met, but that Conditions 2-4 and 6-8 have not been met.

With regards to Condition 2 and 6, Applicants submit that the Written Opinion and the latest international work product are not relevant because Applicant's PPH Request is <u>not</u> based on a PCT application but is based on corresponding European Patent No. EP 2 252 500 B1 in accordance with the PPH Guidelines set forth in Press Release 11-43 dated July 1, 2011. Accordingly, it is believed that Conditions 2 and 6 have been met.

With regards to Conditions 3 and 4, it is pointed out that the previously-submitted aforementioned EP Patent contains English language claims. Because the English language claims are part of the issued EP Patent, it is believed that a statement of accuracy is not required. Accordingly, Conditions 3 and 4 are believed to have been met.

With regards to Condition 7, and as pointed out in the January 31, 2012 PPH Request, an IDS was filed on September 21, 2010 citing the International Search Report along with copies of the cited references from PCT/FR2009/050454. Thus, it is believed that Condition 7 has been met.

With regards to Condition 8, Applicant advises that Claims 1-15 of the pending U.S. Patent Application substantially correspond to Claims 1-15 of the aforementioned issued European Patent.

In view of the foregoing, it is respectfully requested that Applicant's PPH Request be approved.

Lastly, it is pointed out that a similar PPH Request based on an issued European Patent was recently approved in connection with Application Serial No. 12/739,094.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 503111.

Respectfully submitted,
COZEN O'CONNOR

By /Edward M. Weisz/

Edward M. Weisz
Reg. No. 37,257
277 Park Avenue
New York, New York 10172
(212) 883-4900

Dated: April 4, 2012

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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NOV 30 2010

PCT LEGAL ADMINISTRATION

WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON DC 20006

In re Application of	:	
PENHASI et al.	:	
Application No.: 12/933,843	:	DECISION on
PCT No.: PCT/IL09/00267	:	
Int. Filing Date: 10 March 2009	:	PETITION
Priority Date: 10 March 2008	:	
Attorney Docket No.: 85189-18400	:	UNDER 37 CFR 1.137(b)
For: HUMIDITY-RESISTANT DRUG FORMULATIONS	:	
AND METHODS OF PREPARATION THEREOF	:	

The petition to revive under 37 CFR 1.137(b) filed 21 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 required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration, after the thirty-month period, are required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 02 2010

PCT LEGAL ADMINISTRATION

NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of	:	
MERLIN, Erich	:	
Application No.: 12/933,859	:	DECISION ON
PCT No.: PCT/IB2009/051149	:	
Int. Filing Date: 18 March 2009	:	PETITION UNDER
Priority Date: 20 March 2008	:	
Attorney Docket No.: 81047112 US05	:	37 CFR 1.137(b)
For: TRANSCEIVING CIRCUIT . . . CIRCUIT	:	

This decision is in response to applicant's submission filed 21 September 2010.

BACKGROUND

On 18 March 2009, applicant filed international application PCT/IB2009/051149 which designated the U.S. and claimed a priority date of 20 March 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) 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 20 September 2010.

On 21 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. basic national fee, a declaration of the inventor, and a petition under 37 CFR 1.137(b).

DISCUSSION

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

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

As to item (1), applicant submitted the basic national fee on 21 September 2010.

As to item (2), applicant submitted the petition fee on 21 September 2010.

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

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

The declaration of the inventor filed 21 September 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JAN 11 2011

PCT LEGAL ADMINISTRATION

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

In re Application of BINKERT et al.	:	
Application No.: 12/933,863	:	DECISION ON
PCT No.: PCT/US08/12096	:	
Int. Filing: 23 October 2008	:	PETITION TO REVIVE
Priority Date: 23 October 2007	:	
Attorney Docket No.: 200700639-7	:	UNDER 37 CFR 1.137(b)
For: INTEGRATED CIRCUIT WITH OPTICAL INTER-CONNECT	:	

The petition to revive under 37 CFR 1.137(b) filed 21 September 2010 in the above captioned application is hereby **GRANTED** as follows:

Applicants' statement that the "entire delay in filing was unintentional" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

Applicant paid the basic national fee ($330) and the petition fee ($1620) by authorization to charge his deposit account. 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 referred to the National Stage Processing Branch of the Office of PCT Operations for further processing including issuance of a Notification of Missing Requirements indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OCT 20 2010

PCT LEGAL ADMINISTRATION

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of: LETY, Jean, Jacques, et al. :
U.S. Application No.: 12/933,874 :
PCT No.: PCT/EP2009/052289 :
International Filing Date: 26 February 2009 :
Priority Date: 26 February 2008 :
Attorney Docket No.: 15675P795 :
For: METHOD FOR SHAPING FROM A BLANK OF A HARDENING MATERIAL WITH DIFFERENTIAL COOLING :

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 21 September 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/EP2009/052289 became abandoned with respect to the United States at midnight on 26 August 2010 based on applicants' failure to request entry into the national stage in the United States and submit payment of the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee, as well as the "required reply" in the form of a request for entry into the national stage in the United States and payment of the small entity basic national fee. The petition also includes a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition 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.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kyle E. Litz et al. Examiner: Bullock, In Suk C

Serial No.: 12/933,898 Group Art Unit: 1772 / Conf. No. 2836

Filed: 9/22/2010 Docket No.: AUTE.6180-NY

Title: **SULFOXIDATION CATALYSTS AND METHODS AND SYSTEMS OF USING SAME**

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

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(c)

Dear Sir:

This is a *Petition to Make Special* to advance the above identified patent application out of turn for examination and expedite the prosecution thereof. The basis for this petition under 37 CFR § 1.102(c) is that the claimed invention will materially:

(i) Enhance the quality of the environment; and/or

(ii) Contribute to the development or conservation of energy resources

Evidence for such petition includes inter alia that a globally recognized need to reduce sulfur levels in hydrocarbon streams such as gasoline and diesel fuels currently exists. The reduction of sulfur in such hydrocarbon streams may greatly improve air quality because of the negative impact sulfur has on performance of sulfur sensitive components such as automotive catalytic converters. The presence of oxides of sulfur in automotive engine exhaust may inhibit and eventually poison noble metal catalysts within catalytic converters and emission of those oxides of sulfur can have a negative impact on the environment. Emissions from inefficient or

poisoned catalytic converters contain levels of many other undesirable materials, such as: non-combusted- non-methane hydrocarbons, oxides of nitrogen, and carbon monoxide. Such emissions may be photoconverted by sunlight generating ground level ozone, known also as smog.

In view of the above, applicant requests that this Petition to Make Special be granted and the examination of the application be advanced. It is believed that no fee is necessary for this *Petition to Make Special.*

Date: November 9, 2011

/Arlen L. Olsen/
Arlen L. Olsen
Registration No. 37,543
Customer No. 5409
Schmeiser, Olsen & Watts
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(518) 220-1850

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.
12/933,898	09/22/2010	Kyle E. Litz	APPL.6180-NY	2836

5409 7590 11/17/2011
SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER
BULLOCK, IN SUK C

ART UNIT	PAPER NUMBER
1772	

MAIL DATE	DELIVERY MODE
11/17/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

NOV 17 2011

In re Application of	:	
Litz et al.	:	DECISION ON PETITION
Application No. 12/933,898	:	TO MAKE SPECIAL UNDER
Filed: 9/22/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **APPL.6180-NY**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/9/2011, to make the above-identified application special. It is noted that as of August 25, 2006, the Office revised the procedures for requesting expedited examination based on environmental quality (See Federal register: June 26, 2006; volume 71, number 122; pages 36323-36327). Accordingly, the instant petition will be treated as a request to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable

energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item(s) 1, 5 and 8.

In regard to item 1, petitioner should note that a review of the application claims has been made for the purposes of determining the number of claims contained therein. This application contains more than 3 independent claims and more than 20 total claims. As set forth in the Notice, if the application contains more than 3 independent claims or more than 20 total claims, it will not be eligible to participate in the "Pilot Program for Green Technologies Including Greenhouse Gas Reduction."

In regard to item 5, petitioner should note that a statement has not been provided that states that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner as required by the Notice. Accordingly, the petition cannot be granted without such a statement.

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 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 Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1772 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kyle E. Litz et al. Examiner: Bullock, In Suk C

Serial No.: 12/933,898 Group Art Unit: 1772 / Conf. No. 2836

Filed: 9/22/2010 Docket No.: AUTE.6180-NY

Title: **SULFOXIDATION CATALYSTS AND METHODS AND SYSTEMS OF USING SAME**

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

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(c)-
REQUEST FOR RECONSIDERATION

Dear Sir:

This is a request for reconsideration of the Decision of Dismissal (hereinafter the "Decision") of the *Petition to Make Special* (hereinafter the "Petition") mailed November 17, 2011. The Petition was filed on November 9, 2011, to advance the above identified patent application out of turn for examination and expedite the prosecution thereof. The Decision sets forth the requirement for qualifying for special status:

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; 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 reductionThe basis for this petition under 37 CFR § 1.102(c) is that

the claimed invention will materially:

(i) Enhance the quality of the environment; and/or

(ii) Contribute to the development or conservation of energy resources;

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 a first Office Action appears in the PAIR system; and

8) the petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d),

The Decision indicates that Applicants lack items 1), 5), and 8); therefore, Applicants have satisfied items 2), 3), 4), 6), and 7). To satisfy items 1) and 8), Applicants attach/submit the following documents to the Office:

1) a copy of a preliminary amendment to be filed concurrently with this request, evidencing the that application contains no more than 3 independent claims, and a total of 20 or less claims; and

2) a copy of a request for early publication under 37 CFR 1.219 to be filed concurrently with this request, including the publication fee as set forth under 37 CFR 1.18(d).

Additionally, to satisfy item 5), Applicants hereby agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the Examiner.

CONCLUSION

Applicants believe that this request for reconsideration and the referenced attachments satisfy all criteria set forth by the Office. Therefore, Applicant respectfully requests reconsideration of the Decision, and that the Office should grant the Petition. Should the Office have any further questions, or requirements, Applicants encourage the personnel handling this matter to contact Applicants representatives listed below. Furthermore, should any fees arise in connection with this request for reconsideration, the Director is authorized to charge Deposit Account No. 19-0513.

Date: December 19, 2011

/Arlen L. Olsen/
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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.
12/933,898	09/22/2010	Kyle E. Litz	AUTE.6180-NY	2836

5409 7590 01/06/2012
SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER
BULLOCK, IN SUK C

ART UNIT	PAPER NUMBER
1772	

MAIL DATE	DELIVERY MODE
01/06/2012	PAPER

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

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

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SUITE 302
LATHAM NY 12110

1/6/12

In re Application of	:	
Litz et al.	:	DECISION ON PETITION
Application No. 12/933,898	:	TO MAKE SPECIAL UNDER
Filed: 9/22/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **AUTE.6180-NY**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 12/19/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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 1772 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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PCT LEGAL ADMINISTRATION

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

In re Application of:	:	
ERIKSSON LOWENMARK, Stefan, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/933,934	:	(37 CFR 1.182)
PCT No.: PCT/SE2009/050108	:	
International Filing Date: 03 February 2009	:	
Priority Date: 31 March 2008	:	
Attorney's Docket No.: 9900-26018US2	:	
For: TIMESLOT HOPPING FOR	:	
TRANSMITTING CALL DATA	:	

This decision is issued in response to applicants' "Petition Under 37 CFR § 1.182" filed 15 December 2010. Applicants have submitted the required $400 petition fee.

BACKGROUND

On 03 February 2009, applicants filed international application PCT/SE2009/050108. The application claimed a priority date of 31 March 2008, and it designated the United States. On 08 October 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 September 2010. The international application identified the first inventor as Stefan ERIKSSON.

On 22 September 2010, applicants filed a Transmittal Letter for entry into the national stage accompanied by, among other materials, payment of the basic national fee and a copy of the executed declaration document filed during the international phase.

On 26 October 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required. The Notification indicated that the filed declaration could not be accepted because it appeared to be a compilation of multiple documents and contained non-dated, non-initialed hand-written alterations.

On 15 December 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge, a revised declaration, and the "Petition Under 37 CFR § 1.182" considered herein. The petition requests that the name of record of the first inventor be changed from Stefan ERIKSSON to Stefan ERIKSSON LOWENMARK.

DISCUSSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

The present petition indicates that the name of the first inventor has been legally changed since the filing of the international application. In order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required.

Section 605.04(c) of the MPEP sets forth the requirements for a petition under 37 CFR 1.182 to correct an inventor's name. According to the MPEP, such a petition "must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order."

Applicants' present petition is accompanied by payment of the required $400 petition fee and a statement from the first inventor in which the inventor confirms that, as a result of marriage, his name was legally changed from Stefan ERIKSSON to Stefan ERIKSSON LOWENMARK. Applicants have also included copies of Swedish tax records confirming the change. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to change the name of record of the first inventor from Stefan ERIKSSON to Stefan ERIKSSON LOWENMARK.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record of the first inventor from Stefan ERIKSSON to Stefan ERIKSSON LOWENMARK is **GRANTED**.

In view of this correction, the declaration filed 15 December 2010, which identifies the first inventor as Stefan ERIKSSON LOWENMARK, may be accepted in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 December 2010.

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DEC 06 2010

PCT LEGAL ADMINISTRATION

The Dow Chemical Company
P.O. BOX 1967
2040 Dow Center
Midland MI 48641

In re Application of :
WIEGNER, Jens-Peter :
U.S. App. No.: 12/933,950 (12/933,940) :
PCT No.: PCT/IB2009/000574 :
Int. Filing Date: 23 March 2009 : DECISION
Priority Date: 23 March 2008 :
Attorney Docket No.: 66329A-US-WO :
For: NEW TITANIUM-BASED ... :
POLYCONDENSATION REACTIONS :

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

BACKGROUND

On 23 April 2010, applicant filed two sets of paperwork for the national phase entry of PCT/IB2009/000574. The sets were assigned application nos. 12/933,940 and 12/933,950, respectively. Application 12/933,950 is the national phase.

DISCUSSION

Applicant has submitted multiple sets of papers for the national stage entry of international application number PCT/IB2009/000574. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of multiple sets of national stage papers to enter the United States is improper. Accordingly, 12/933,940 and 12/933,950 have been consolidated into a single application, 12/933,950.

All future correspondence in regards to the national phase of PCT/IB2009/000574 should use 12/933,950.

CONCLUSION

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being referred to the National Stage Processing Division 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

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:	September 22, 2010
First Named Inventor:	Buffington et al.		
Title of the Invention:	RAPID DIAGNOSIS OF A DISEASE CONDITION USING INFRARED SPECTROSCOPY		

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/US2009/038771

The international date of the corresponding PCT application(s) is/are: March 30, 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
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	Buffington et al.

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

☒ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

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

☒ Are attached.

Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-18	1-18	Identical

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

Signature	/Mark R Engle, Reg No 58927/	Date	September 22, 2010
Name (Print/Typed)	Mark R. Engle	Registration Number	58,927

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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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/933,960	12/15/2010	Charles A. Buffington	OSU1159-236D	3364

8698 7590 06/07/2011
STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin, OH 43017

EXAMINER

ART UNIT	PAPER NUMBER
2884	

MAIL DATE	DELIVERY MODE
06/07/2011	PAPER

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

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

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STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin OH 43017

In re Application of	
BUFFINGTON et al.	**: DECISION ON REQUEST TO**
Application No.: 12/933,960	**: PARTICIPATE IN THE PATENT**
Filed: 15 December 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: OSU1159-236D	**: PROGRAM AND PETITION**
For: RAPID DIAGNOSIS OF A	**: TO MAKE SPECIAL UNDER**
DISEASE CONDITION USING	**: 37 CFR 1.102(a)**
INFRARED SPECTROSCOPY	

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 22 September 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

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

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

Requirements (1), (3-5), and (8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirements (6-7).

Regarding the requirement of condition (6), applicant has failed to submit a copy of the Written Opinion (ISA/237).

Regarding the requirement of condition (7), applicant has failed to submit an IDS listing any of the references cited by the PCT examiner and provide copies of the references.

Regarding the requirement of condition (2), it cannot be determined if requirement (2) has been met since applicant has failed to submit a copy of the Written Opinion (ISA/237).

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

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

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	12/933,960	Confirm. No.:	3364
Filed:	September 22, 2010	Examiner:	N/A
Inventor:	Charles A. Buffington et al.	Art Unit:	N/A
Title:	RAPID DIAGNOSIS OF A DISEASE CONDITION USING INFRARED SPECTROSCOPY	Attorney Docket No.:	OSU1159-236D

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

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8 (a)

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office on July 7, 2011 via EFS-Web.

/Trisha M. Beachy-Bryant/
Trisha Beachy-Bryant (paralegal)

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

Applicants received the Decision on Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special Under 37 CFR 1.102(a) mailed June 7, 2011 in the above-identified patent application. The Decision indicates that Applicants' request to participate in the PPH pilot program and petition have been dismissed because 1) applicants failed to submit a copy of the Written Opinion (ISA/237) and 2) applicants failed to submit an IDS listing references cited by the PCT examiner and provide copies of the references.

Applicants respectfully disagree that their request is not in compliance. First, it is Applicants' understanding that it is not the burden of the Applicants to provide the written opinion, which should have instead been provided by the ISA. Nevertheless, in the interest of moving forward with prosecution of this application, Applicants have

included a copy of the written opinion with this response. As can be seen from the written opinion, claims 1-18 in the PCT application have novelty, inventive step, and industrial applicability, and are otherwise proper for the PCT-PPH program.

As for the IDS, Applicants assert that an IDS was previously filed via EFS-web on September 22, 2010. Applicants' filing of the IDS on this date is clearly shown in PAIR. Copies of the references cited by the PCT examiner have also been filed.

For the above reasons Applicants respectfully request that their prior request to participate in the PCT-PPH pilot program and petition to make special be granted.

Applicants would like to draw the attention of the office to the fact that documents from another application, one completely unrelated to this one, have been improperly filed as part of the file history of 12/933,960. Applicants refer to a filing on September 28, 2010, which consists of 140 pages and is referred to as "Document submitted with 371 Applications" on PAIR. These documents relate to Application No. PCT/US2009/038770, for "Write Verify Method for Resistive Random Access Memory" which is assigned to Seagate Technology LLC. Applicants believe that these documents were mistakenly ordered due to an unintentional mistyping of the present application's international application number, which is PCT/US2009/038771, and clearly very similar. Applicants respectfully request that this file be removed from the file history, as its improper inclusion will undoubtedly cause confusion, and may have already caused confusion as to whether Applicants had met the requirements for participating in the PCT-PPH program.

Respectfully submitted,

Date: July 7, 2011 By: /Beverly A. Marsh/

Beverly A. Marsh
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Standley Law Group LLP
6300 Riverside Drive
Dublin, Ohio 43017
Telephone: (614) 792-5555
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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.
12/933,960	12/15/2010	Charles A. Buffington	OSU1159-236D	3364

8698 7590 07/12/2011
STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin, OH 43017

EXAMINER

ART UNIT	PAPER NUMBER
2884	

MAIL DATE	DELIVERY MODE
07/12/2011	PAPER

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

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

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STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin OH 43017

In re Application of	
BUFFINGTON et al.	**: DECISION ON REQUEST TO**
Application No.: 12/933,960	**: PARTICIPATE IN THE PATENT**
Filed: 15 December 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: OSU1159-236D	**: PROGRAM AND PETITION**
For: RAPID DIAGNOSIS OF A	**: TO MAKE SPECIAL UNDER**
DISEASE CONDITION USING	**: 37 CFR 1.102(a)**
INFRARED SPECTROSCOPY	

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 22 September 2010 and renewed on 07 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

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

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/933,979	12/14/2010	Masamichi Hara	PJ-2M2664US/315927	3464

15609 7590 09/14/2011
Abelman Frayne & Schwab/TEL
Harry K. Ahn
666 Third Avenue
10th Floor
New York, NY 10017-5621

EXAMINER
CAPOZZI, CHARLES

ART UNIT	PAPER NUMBER
1717	

MAIL DATE	DELIVERY MODE
09/14/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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September 14, 2011 BC

In re application of Masamichi Hara et al. Serial No. 12/933,979 Filed: September 22, 2010 For: METHOD FOR FILM FORMATION, APPARATUS FOR FILM FORMATION, AND COMPUTER-READABLE RECORDING MEDIUM	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 July 15, 2011.

The request and petition are **DENIED**.

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

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

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

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

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

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable;

(6) Applicant must submit:

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

The request to participate in the PPH program and petition fail because:
(4) Action on this US application has begun. Specifically, a non-final Office action was mailed on August 15, 2011.

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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LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED
MAR 24 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Yasumichi KUWAYAMA	:	
Application No.: 12/933,981	:	
PCT No.: PCT/JP2009/054947	:	PAPERS FILED
Int. Filing Date: 13 March 2009	:	
Priority Date: 24 March 2008	:	
Attorney's Docket No.: 06753.0675	:	UNDER 37 CFR 1.42
For: CRIMP TERMINAL FOR ALUMINUM	:	
ELECTRIC CABLE	:	

This is a decision on the declaration filed 21 January 2011, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 22 September 2010, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

On 19 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two(2) months from 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.

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventor be submitted, applicant submitted on 21 January 2011 a declaration indicating that Goro KUWAYAMA is the legal representative of the deceased inventor, Yasumichi KUWAYAMA.

DISCUSSION

The declaration is accepted under 37 CFR 1.42 because it includes the citizenship and mailing addresses of Goro KUWAYAMA(legal representatives) and of deceased inventor, Yasumichi KUWAYAMA. Accordingly, applicants have satisfied the requirements under 37 CFR 1.42.

CONCLUSION

For the above reasons, the submission of the declaration under 37 CFR 1.42 is **ACCEPTED**.

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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

PTO/SB/420 (05-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: ID0084US	Application Number (if known): 12/934,006	Filing date: September 22, 2010

First Named Inventor: Michael Brady

Title: COMMINUTION AND DENSIFICATION OF BIOMASS PARTICLES

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature /jra/	Date September 22, 2010
Name (Print/Typed) Jeffrey R. Anderson	Registration Number 42,263

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

☐ *Total of _____ forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,006	02/03/2011	Michael Brady	ID0084USG	3656

90394 7590 03/15/2011
Kior Inc.
13001 Bay Park Rd.
Pasadena, TX 77507

EXAMINER

ART UNIT	PAPER NUMBER
3725	

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
www.uspto.gov

Kior Inc.
13001 Bay Park Rd.
Pasadena TX 77507

In re Application of	:	
BRADY, MICHAEL et al	:	DECISION ON PETITION
Application No. 12/934,006	:	TO MAKE SPECIAL UNDER
Filed: Sep. 22, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. ID0084USG	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Sep. 22, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is granted.

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

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

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

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

This application will be forwarded to the Technology Center Art Unit 3725 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

PTO/SB/20PCT-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:		Filing date:	September 22, 2010
First Named Inventor:	Kazuya WATANBE		
Title of the Invention:	PERIPHERY MONITORING 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/JP2009/058063

The international date of the corresponding PCT application(s) is/are: April 23, 2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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.:	
First Named Inventor:	Kazuya WATANBE

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

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

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

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US claim 1 is substantially identical to PCT claim 1.
2	2	US claim 2 is substantially identical to PCT claim 2.
3	3	US claim 3 is substantially identical to PCT claim 3.
4	4	US claim 4 is substantially identical to PCT claim 4 with
		multiple dependency eliminated.
5	5	US claim 5 is substantially identical to PCT claim 5 with
		multiple dependency eliminated.
6	6	US claim 6 is substantially identical to PCT claim 6 with
		multiple dependency eliminated.

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

Signature	/SMG/	Date	September 22, 2010
Name (Print/Typed)	Steven M. Gruskin	Registration Number	36,818

国際調査報告

国際出願番号　ＰＣＴ／ＪＰ２００９／０５８０６３

Ａ．　発明の属する分野の分類（国際特許分類（ＩＰＣ））

Int.Cl.　H04N7/18(2006.01)i, B60R1/00(2006.01)i, B60R11/02(2006.01)i, G08G1/16(2006.01)i, B60R21/00(2006.01)n

Ｂ．　調査を行った分野

調査を行った最小限資料（国際特許分類（ＩＰＣ））

Int.Cl.　H04N7/18, B60R1/00, B60R11/02, G08G1/16, B60R21/00

最小限資料以外の資料で調査を行った分野に含まれるもの

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

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

Ｃ．　関連すると認められる文献

引用文献のカテゴリー＊	引用文献名　及び一部の箇所が関連するときは、その関連する箇所の表示	関連する請求項の番号
A	JP 2003-137051 A (トヨタ自動車株式会社) 2003.05.14, [0054]-[0056][0060]-[0061], 図 12-13 & US 2003/0080877 A1 & EP 1308346 A2 & DE 60230575 D	1-6
A	JP 2002-225629 A (ソニー株式会社) 2002.08.14, [0049] (ファミリーなし)	1-6
A	JP 2007-233430 A (アイシン・エィ・ダブリュ株式会社) 2007.09.13, [0036][0045] (ファミリーなし)	1-6

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

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

国際調査を完了した日 ０２．０７．２００９	国際調査報告の発送日 １４．０７．２００９
国際調査機関の名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員）　５Ｐ　９１８７ 西谷　憲人 電話番号　０３－３５８１－１１０１　内線　３５８１

C（続き）．　関連すると認められる文献

引用文献のカテゴリー＊	引用文献名　及び一部の箇所が関連するときは、その関連する箇所の表示	関連する請求項の番号
A	JP 2004-102827 A（日産自動車株式会社）2004.04.02, [0040][0043]（ファミリーなし）	1-6
A	JP 2006-180446 A（日産自動車株式会社）2006.07.06, [0030]-[0033][0074]-[0076], 図 10-11, 18-19 & US 2008/0143833 A1 & EP 1824702 A2 & WO 2006/056862 A2 & CN 101287626 A	1-6
A	JP 2000-55659 A（マツダ株式会社）2000.02.25, [0015]-[0016], 図 1-2（ファミリーなし）	1-6

INTERNATIONAL SEARCH REPORT

International application No.
PCT/JP2009/058063

A. CLASSIFICATION OF SUBJECT MATTER
H04N7/18(2006.01)i, *B60R1/00*(2006.01)i, *B60R11/02*(2006.01)i, *G08G1/16*(2006.01)i, *B60R21/00*(2006.01)n

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)
H04N7/18, B60R1/00, B60R11/02, G08G1/16, B60R21/00

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

Jitsuyo Shinan Koho	1922-1996	Jitsuyo Shinan Toroku Koho	1996-2009
Kokai Jitsuyo Shinan Koho	1971-2009	Toroku Jitsuyo Shinan Koho	1994-2009

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 2003-137051 A (Toyota Motor Corp.), 14 May, 2003 (14.05.03), Par. Nos. [0054] to [0056], [0060] to [0061]; Figs. 12 to 13 & US 2003/0080877 A1 & EP 1308346 A2 & DE 60230575 D	1-6
A	JP 2002-225629 A (Sony Corp.), 14 August, 2002 (14.08.02), Par. No. [0049] (Family: none)	1-6
A	JP 2007-233430 A (Aisin AW Co., Ltd.), 13 September, 2007 (13.09.07), Par. Nos. [0036], [0045] (Family: none)	1-6

[X] 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 another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search 02 July, 2009 (02.07.09)	Date of mailing of the international search report 14 July, 2009 (14.07.09)
Name and mailing address of the ISA/ Japanese Patent Office Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/JP2009/058063

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 2004-102827 A (Nissan Motor Co., Ltd.), 02 April, 2004 (02.04.04), Par. Nos. [0040], [0043] (Family: none)	1-6
A	JP 2006-180446 A (Nissan Motor Co., Ltd.), 06 July, 2006 (06.07.06), Par. Nos. [0030] to [0033], [0074] to [0076]; Figs. 10 to 11, 18 to 19 & US 2008/0143833 A1 & EP 1824702 A2 & WO 2006/056862 A2 & CN 101287626 A	1-6
A	JP 2000-55659 A (Mazda Motor Corp.), 25 February, 2000 (25.02.00), Par. Nos. [0015] to [0016]; Figs. 1 to 2 (Family: none)	1-6

DECLARATION

I, Hirotsugu HORI, translator of S.KITAMURA PATENT OFFICE of 16th Floor, Nakanoshima Mitsui Building, 3-3-3, Nakanoshima, Kita-ku, Osaka, Japan, do hereby declare that I am conversant with the English and Japanese Languages and am a competent translator thereof. I further declare that to the best of my knowledge and belief the following is a true and correct translation of the documents in the Japanese language attached hereto.

International Patent Application No. PCT/JP2009/058063

Signed this 16th day of September

Hirotsugu HORI

請求の範囲

[請求項1] 車両の周辺を表示するモニタを備えた周辺監視装置であって、

前記車両に搭載された撮像装置により撮像した画像情報を取得する画像情報取得部と、

前記車両の側方に存在する直線形状を対象地物とし、前記画像情報に含まれる前記対象地物の画像認識処理を行う画像認識部と、

前記車両が、前記対象地物に接近する場合に、前記モニタに表示する表示画像を前記車両の側方に係るサイド画像に切り替えるか否かを判定する画面切替判定部と、

前記画面切替判定部の判定結果に応じて、前記モニタの表示を前記サイド画像に切り替える画像切替部と、

を備える周辺監視装置。

[請求項2] 前記撮像装置として、前記車両の側方を撮像するサイドカメラを備え、

前記画像認識処理が、前記サイドカメラにより撮像された画像情報を用いて行われると共に、

前記サイド画像が前記サイドカメラにより撮像された画像情報に基づく画像である請求の範囲第１項に記載の周辺監視装置。

[請求項3] 前記撮像装置として、前記車両の側方を撮像するサイドカメラと前記車両の後方を撮像するバックカメラとを備え、

前記画像認識処理が、前記バックカメラにより撮像された画像情報を用いて行われると共に、

前記サイド画像が前記サイドカメラにより撮像された画像情報に基づく画像である請求の範囲第１項に記載の周辺監視装置。

[請求項4] 前記サイド画像への切り替えが、前記直線形状または前記直線形状に沿って延長された直線形状延長線のいずれか一方と、前記車両の車幅に沿って延長した車幅延長線とが交差する交差角度が所定角度以内である場合に行われる請求の範囲第１項から第３項のいずれか一項に

記載の周辺監視装置。

[請求項5] 前記サイド画像への切り替えが、前記車両の前進時に、前記車両の速度が所定速度以下であり、且つ、前記車両のハンドルの舵角が所定角度以上である場合に行われる請求の範囲第１項から第４項のいずれか一項に記載の周辺監視装置。

[請求項6] 前記サイド画像への切り替えが、前記車両の前進時に、前記直線形状または前記直線形状に沿って延長された直線形状延長線のいずれか一方と、前記車両の車幅に沿って延長した車幅延長線とが交差する交差位置が前記車両から所定距離以内である場合に行われる請求の範囲第１項から第３項のいずれか一項に記載の周辺監視装置。

Claims

1. A periphery monitoring apparatus having a monitor device for displaying an image of periphery of a vehicle, the monitoring apparatus comprising:

an image information acquiring section for acquiring image information captured by an imaging device mounted on the vehicle;

an image recognizing section for effecting an image recognition process on a target feature included in said image information, the target feature being a linear shape present on a lateral side of the vehicle;

a display image switchover deciding section for deciding whether or not a display image to be displayed on the monitor device should be switched over to a side-view image relating to the lateral side of the vehicle; and

a display image switching section for switching said display image to said side-view image, based on result of decision made by said display image switchover deciding section.

2. The periphery monitoring apparatus according to claim 1, wherein said imaging device includes a side-view camera for imaging the lateral side of the vehicle and said image recognition process is effected with using image information captured by said side-view camera, and said side-view image is an image based on the image information captured by said side-view camera.

3. The periphery monitoring apparatus according to claim 1, wherein said imaging device includes a side-view camera for imaging the lateral side of the vehicle and a back-view camera for imaging a back side of the vehicle;

said image recognition process is effected with using image

information captured by said back-view camera; and

said side-view image is an image based on the image information captured by said side-view camera.

4. The periphery monitoring apparatus according to any one of claims 1-3, wherein said switchover to the side-view image is effected when an intersection angle less than a predetermined angle is formed by intersection between either said linear shape or a linear shape extension line extended along the linear shape and a vehicle width extension line extended along the width of the vehicle.

5. The periphery monitoring apparatus according to any one of claims 1-4, wherein said switchover to the side-view image is effected when the speed of the vehicle at the time of forward traveling is less than a predetermined speed and the steering angle of the steering wheel of the vehicle is greater than a predetermined angle.

6. The periphery monitoring apparatus according to any one of claims 1-3, wherein said switchover to the side-view image is effected when at the time of forward traveling of the vehicle, a position of intersection formed between either said linear shape or a linear shape extension line extended along the linear shape and a vehicle width extension line extended along the width of the vehicle is within a distance less than a predetermined distance from the vehicle.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,017	09/22/2010	Kazuya Watanabe	Q120910	3751

23373 7590 06/23/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
06/23/2011	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of: WATANABE, et al.
Application No. 12/934017
Filed: Sep 22, 2010
For: PERIPHERY MONITORING 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 PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed Sept 22, 2010 to make the above identified application special.

The petition is **GRANTED**

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

1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial

applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:
a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

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

(5) Applicant must submit a copy of:
a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:
a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:
a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy." Any preliminary amendments and IDS submitted

with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

The Petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Kim Huynh at 571-272-4147.

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

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

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist,
Technology Center 2400

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FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

MAILED

NOV 09 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	
CANTER, et al.	:	
U.S. Application No.: 12/934,027	:	DECISION ON PETITION
PCT No.: PCT/US2009/034882	:	
Int. Filing Date: 23 February 2009	:	UNDER 37 CFR 1.137(b)
Priority Date: 21 February 2008	:	
Attorney Docket No.: VBLT.P0105US/11009413	:	
For: METHODS AND COMPOSITIONS FOR DIAGNOSIS OF AGE-RELATED MACULAR DEGENERATION	:	

The petition to revive under 37 CFR 1.137(b) filed 22 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 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
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,039	09/22/2010	Naoki Yoshinaga	1609-0286PUS1	3925

2292 7590 06/01/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
1733	

NOTIFICATION DATE	DELIVERY MODE
06/01/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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EL

May 31, 2011

In re application of	:	DECISION ON REQUEST TO
Yoshinaga, et al.	:	PARTICIPATE IN PATENT
Serial No. 12/934039	:	PROSECUTION HIGHWAY
Filed: September 22, 2010	:	PROGRAM AND
For: **HOT-ROLLED STEEL SHEET EXCELLENT IN FATIGUE PROPERTIES AND STRETCH-FLANGE FORMABILITY AND METHOD FOR MANUFACTURING THE SAME**	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed April 04, 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

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:	12/934,103	Filing date:	September 23, 2010
First Named Inventor:	Howard G. CACCIA		
Title of the Invention:	Flexible Cable Having Dual Layer Jacket		

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/US2009/067330

The international filing date of the corresponding PCT application(s) is/are: December 9, 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).**

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

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

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

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/934,103
First Named Inventor:	Howard G. CACCIA

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 23, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 23, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-16	1-16	Identical

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

Signature /Scott W. Smilie/	Date March 24, 2011
Name (Print/Typed) Scott W. Smilie	Registration Number 44,341

Privacy Act Statement

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

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

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

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 4856-593	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. **PCT/US2009/067330**	International filing date *(day/month/year)* **09 DECEMBER 2009 (09.12.2009)**	(Earliest) Priority Date *(day/month/year)* 02 MARCH 2009 (02.03.2009)
Applicant **COLEMAN CABLE, INC. et al**		

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

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the **language**, the international search was carried out on the basis of:
      ☒ the international application in the language in which it was filed
      ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. ☐ **Certain claims were found unsearchable** (See Box No. II)
3. ☐ **Unity of invention is lacking** (See Box No. III)
4. With regard to the **title,**
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established by this Authority to read as follows:
5. With regard to the **abstract,**
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. With regard to the drawings,
   a. the figure of the **drawings** to be published with the abstract is Figure No. 8
      ☒ 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/US2009/067330

A. CLASSIFICATION OF SUBJECT MATTER

H01B 7/04(2006.01)i, H01B 7/17(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)
H01B 7/04; H01B 11/00; H01B 11/04; H01B 11/06; H01B 17/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Korean utility models and applications for utility models
Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
eKOMPASS(KIPO internal) & Keywords: dual, jacket, TPE, adhesive, bonding agent

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	KR 10-2005-0074453 A (ADC INCORPORATED) 18 July 2005 See claims 1-14 and figure 1.	1-16
A	KR 10-0744726 B1 (BELDEN WIRE & CABLE COMPANY) 02 August 2007 See claim 1 and figure 1.	1-16
A	US 2006-0021772 A1 (JOSEPH DELLAGALA et al.) 02 February 2006 See abstract, claim 1 and figure 5.	1-16
A	US 2002-0096356 A1 (YOUNG JOON KIM et al.) 25 July 2002 See abstract and see paragraph [0062] to [0065]	1-16

☐ Further documents are listed in the continuation of Box C. ☒ See patent family annex.

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents,such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
29 JUNE 2010 (29.06.2010)	**14 JULY 2010 (14.07.2010)**
Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer LEE, Kang Young Telephone No. 82-42-481-5583

Form PCT/ISA/210 (second sheet) (July 2009)

INTERNATIONAL SEARCH REPORT
Information on patent family members

International application No.
PCT/US2009/067330

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
KR 10-2005-0074453 A	18.07.2005	AU 2003-265984 A1	19.04.2004
		CA 2499468-A1	08.04.2004
		CN 100377263 C0	26.03.2008
		CN 101266846 A	17.09.2008
		CN 101266846 C0	17.09.2008
		CN 1685448 A	19.10.2005
		CN 1685448 C0	26.03.2008
		EP 1550139 A1	06.07.2005
		JP 2006-500756 A	05.01.2006
		US 2004-0055771 A1	25.03.2004
		US 2004-0055777 A1	25.03.2004
		US 2004-0055779 A1	25.03.2004
		US 2004-0216913 A1	04.11.2004
		US 2005-0167146 A1	04.08.2005
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		US 7511221 B2	31.03.2009
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		US 2001-0040042 A1	15.11.2001
		US 2005-0077066 A1	14.04.2005
		WO 01-16964 A1	08.03.2001
US 2006-0021772 A1	02.02.2006	US 7358436 B2	15.04.2008
US 2002-0096356 A1	25.07.2002	US 6638617 B2	28.10.2003

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
SMILIE SCOTT W.

PATZIK, FRANK & SAMOTNY LTD 150 SOUTH WACKER DRIVE, SUITE 1500 CHICAGO IL 60606 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**14 JULY 2010 (14.07.2010)**
Applicant's or agent's file reference 4856-593	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/067330	**09 DECEMBER 2009 (09.12.2009)**	02 MARCH 2009 (02.03.2009)

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

H01B 7/04(2006.01)i, H01B 7/17(2006.01)i

Applicant

COLEMAN CABLE, INC. et al

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

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

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

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

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	29 JUNE 2010 (29.06.2010)	LEE, Kang Young Telephone No.82-42-481-5583

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/067330

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. a sequence listing filed or furnished
   ☐ on paper
   ☐ in electronic form

   b. time of filing or 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 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/US2009/067330

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

1. Statement

Novelty (N)	Claims	1-16	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-16	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: KR 10-2005-0074453 A (ADC INCORPORATED) 18 July 2005
D2: KR 10-0744726 B1 (BELDEN WIRE & CABLE COMPANY) 02 August 2007
D3: US 2006-0021772 A1 (JOSEPH DELLAGALA et al.) 02 February 2006
D4: US 2002-0096356 A1 (YOUNG JOON KIM et al.) 25 July 2002

1. Novelty and Inventive Step

1.1 Independent Claim 1
The subject matter of claim 1 differs from these prior art documents in the inseparable layers as between the inner and outer layer jackets without the need for adhesives or bonding agents. And it is not obvious to a skilled person in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-11 are dependant on claim 1 and as such also meet the requirements of PCT Article 33(2) and (3).

1.2 Independent Claim 12
The subject matter of claim 12 differs from these prior art documents in the lift device, especially a base unit and a platform. And it is not obvious to a skilled person in the art by the documents, taken alone or in combination. Therefore, claim 12 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

1.3 Independent Claim 13
Claim 13 relates to a method of manufacturing a multi-conductor cable carrying out the subject matter according to claim 1. Claim 13 is considered to be novel and to involve an inventive step under PCT Article 33(2)-(3), because the subject matter of claim 1 is considered to be novel and to involve an inventive step.

Claims 14-16 are dependant on claim 13 and as such also meet the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-16 are industrially applicable under PCT Article 33(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,103	09/23/2010	Howard G. Caccia	4856-628	4742

51500 7590 10/26/2011
PATZIK, FRANK & SAMOTNY LTD.
150 SOUTH WACKER DRIVE
SUITE 1500
CHICAGO, IL 60606

EXAMINER
MAYO III, WILLIAM H

ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
10/26/2011	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

OCT 26 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATZIK, FRANK & SAMOTNY LTD.
150 SOUTH WACKER DRIVE
SUITE 1500
CHICAGO IL 60606

In re application of Howard G. Caccia Application No. 12/934,103 Filed: September 23, 2010 For: FLEXIBLE CABLE HAVING A DUAL LAYER JACKET	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 24, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 10/25/11

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:	12/934,115	Filing date:	September 23, 2010
First Named Inventor:	Paul Redgwell		
Title of the Invention:	UNISON RING ASSEMBLY FOR AN AXIAL COMPRESSOR CASING		

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/EP2009/052188

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

February 25, 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.:	12/934,115
First Named Inventor:	Paul Redgwell

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 23, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 23, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
12	1	US claim as per Preliminary Amendment filed 09/23/2010
13	2	US claim as per Preliminary Amendment filed 09/23/2010
14	3	US claim as per Preliminary Amendment filed 09/23/2010
15	4	US claim as per Preliminary Amendment filed 09/23/2010
16	5	US claim as per Preliminary Amendment filed 09/23/2010
17	5	US claim as per Preliminary Amendment filed 09/23/2010
18	6	US claim as per Preliminary Amendment filed 09/23/2010
19	6	US claim as per Preliminary Amendment filed 09/23/2010
20	7	US claim as per Preliminary Amendment filed 09/23/2010
21	8	US claim as per Preliminary Amendment filed 09/23/2010
22	9, 1	US claim as per Preliminary Amendment filed 09/23/2010
23	9, 2	US claim as per Preliminary Amendment filed 09/23/2010
24	9, 3	US claim as per Preliminary Amendment filed 09/23/2010
25	9, 4	US claim as per Preliminary Amendment filed 09/23/2010
26	9, 5	US claim as per Preliminary Amendment filed 09/23/2010
27	9, 6	US claim as per Preliminary Amendment filed 09/23/2010
28	9, 7	US claim as per Preliminary Amendment filed 09/23/2010
29	9, 8	US claim as per Preliminary Amendment filed 09/23/2010
30	11, 1	US claim as per Preliminary Amendment filed 09/23/2010

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

Signature	/Tina Gonka/	Date	May 05, 2011
Name (Print/Typed)	Tina Gonka	Registration Number	L0623

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,115	09/23/2010	Paul Redgwell	2007P18772WOUS	4860

22116 7590 05/06/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
05/06/2011	PAPER

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

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

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

In re Application of	:
REDGWELL, PAUL	: DECISION ON REQUEST TO
Application No. 12/934,115	: PARTICIPATE IN PATENT
Filed: Sep. 23, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. 2007P18772WOUS	: PILOT PROGRAM AND PETITION
FOR: UNISON RING ASSEMBLY FOR AN	: TO MAKE SPECIAL UNDER
AXIAL COMPRESSOR CASING	: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 5, 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 Items #3 and #5, 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 12-30 as filed on Sep. 23, 2010 which are not sufficiently corresponding to allowable claims 19-23 of PCT search report and search opinion of EPO Examiner Patricia Jameson. A list of PCT allowed claims 19-23 does not correspond to the US claims 19-50. In particular, the dependent method claims 24-26 will not be treated as dependent claims (MPEP 1850) in US practice. The added apparatus claims 36-50 have a totally different scope of those PCT allowed claims 3-6 and 8. It is suggested that the applicant to write those newly added claims in dependent form. Items #3 and #5 are not satisfied and for this reason the petition can not be granted. In order to grant the PPH petition to make special, the applicant must cancel those extra claims not allowed by the PCT searching authority as set forth in the PCT/EP 2009/052188 search opinion. The PCT/EP 2009/052188 search opinion indicates only claims 3-6 and 8 satisfied the requirements of the Novelty, Industrial Applicability and Inventive Steps.

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 with claims as filed on 9/23/10 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

SIEMENS

PATENT
Attorney Docket No. 2007P18772WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor:	Paul Redgwell	)	Confirmation No:	4860
		)		
Serial No.:	12/934,115	)	Examiner:	Not Yet Assigned
		)		
Filed:	September 23, 2010	)	Group Art Unit:	3745

Title UNISON RING ASSEMBLY FOR AN AXIAL COMPRESSOR CASING

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

Sir:

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

In response to the Decision on Request to participate in the Patent Prosecution Highway Program mailed May 06, 2011, Applicant herewith submits the following remarks/arguments.

According to the decision, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application.

The decision notes that claims 12-30 of the U.S. application would not sufficiently correspond to allowable claims 19-23 of the PCT Search Report and Search Opinion of EPO Examiner Patricia Jameson. Further, the decision states the allowable PCT claims 19-23 would not correspond to the U.S. claims 19-50 etc.

It is respectfully submitted that the U.S. application contains claims 12-30 and the PCT application contains claims 1-11. A copy of the U.S. claims as filed within a Preliminary Amendment on September 23, 2010, as well as a copy of the PCT claims have been filed together with the U.S. application on September 23, 2010. The PCT search report recites allowable claims 3-6 and 8.

There are no allowable PCT claims 19-23 and there are no dependent method claims 24-26 and no added apparatus claims 36-50 in the U.S. application. Further, the PCT Search Report shows as Authorized Officer Mr. Reinhold Teusch.

It is respectfully submitted that this Dismissal of the Petition to participate in the Patent Prosecution Highway Program seems to be a mistake and it is respectfully requested to grant the Petition.

Conclusion

Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to deposit account no. 19-2179.

Respectfully submitted,

Dated: May 17, 2011

By: /Tina Gonka/

Tina Gonka
Limited Recognition No. L0623
(407) 736-4005

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830

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.
12/934,115	09/23/2010	Paul Redgwell	2007P18772WOUS	4860

22116 7590 05/18/2011
SIEMENS CORPORATION
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EXAMINER

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
05/18/2011	PAPER

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United States Patent and Trademark Office
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INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of	:
REDGWELL, PAUL	: DECISION ON REQUEST TO
Application No. 12/934,115	: PARTICIPATE IN PATENT
Filed: Sep. 23, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. 2007P18772WOUS	: PILOT PROGRAM AND PETITION
FOR: UNISON RING ASSEMBLY FOR AN	: TO MAKE SPECIAL UNDER
AXIAL COMPRESSOR CASING	: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 17, 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 IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

Other inquiries concerning the examination or status of the application should be directed to Ed Look, the SPE of Art Unit 3745 at 571-272-4820 for Class 415/213 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 on claims 12-30 as filed on 9/23/2011 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-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:	12/934,131	Filing date:	November 11, 2010
First Named Inventor:	Wilfried Mozer		
Title of the Invention:	METHOD OF MAUNFACTURE OF A FOAMED CORE CLASS "A" ARTICLE		

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/US2009/038374

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

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

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

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

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

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

(continued)

Application No.:	12/934,131
First Named Inventor:	Wilfried Mozer

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 February 23, 2011

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on February 23, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	All the claims are identical

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

Signature /Kevin J. Heinl/	Date April 9, 2011
Name (Print/Typed) Kevin J. Heinl	Registration Number 29805

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.
12/934,131	11/11/2010	Wilfried Mozer	DTCO0103PUSA	5022

22045 7590 05/24/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
CHANG, VICTOR S

ART UNIT	PAPER NUMBER
1788	

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.

UNITED STATES 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

May 24, 2011

In re application of Wilfried Mozer Serial No. 12/934,131 Filed: November 11, 2010 For: METHOD OF MANUFACTURE OF A FOAMED CORE CLASS "A" ARTICLE	: : : : : :	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 April 9, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

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

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

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

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

MAILED
AUG 12 2011
OFFICE OF PETITIONS

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

In re Application of Gum et al. Application No. 12/934,160 Filed: February 17, 2011 Attorney Docket No.: 81319(42579) Title: GOLD-COATED POLYSILICON REACTOR SYSTEM AND METHOD	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on July 27, 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.

Petitioner has identified the particular type of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, the small entity fees that were actually paid, the deficiency owed amounts, and the total deficiency payment owed.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

The deficiency payment of $878 is acknowledged.

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, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing in due course.

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.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAMRE, SCHUMANN, MUELLER &
LARSON P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

MAILED

MAR 28 2012

OFFICE OF PETITIONS

In re Application of	:
Kiyomi Kawamura, et. al.	: DECISION ON REQUEST TO
Application No.: 12/934,187	: PARTICIPATE IN THE PATENT
Filed: September 23, 2010	: PROSECUTION HIGHWAY
Attorney Docket No.: 10873.2427USWO	: PROGRAM AND PETITION
For: INTERIOR PERMANENT MAGNET	: TO MAKE SPECIAL UNDER
ROTOR, ELECTRIC MOTOR USING THE	: 37 CFR 1.102(a)
SAME AND ELECTRIC DEVICE	:

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 8, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

DISCUSSION

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
3. Examination of the U.S. application has not begun;

4. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
5. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. 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.

/Andrea Smith/
Andrea Smith
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:	12/934,192	Filing date:	September 23, 2010
First Named Inventor:	Ratmir Derda		
Title of the Invention:	PAPER-BASED CELLULAR ARRAYS		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US09/38566

The international filing date of the corresponding PCT application(s) is/are: 03/27/2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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.:	12/934,192
First Named Inventor:	Ratmir Derda

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
44	21	Claim in U.S. application and corresponding claim in PCT application have similar scopes.
45-54	21	Claims in U.S. application have scopes narrower than the corresponding claim in PCT application.
55	1	Claim in U.S. application and corresponding claim in PCT application have similar scopes.
56-57	1	Claims in U.S. application have scopes narrower than the corresponding claim in PCT application.
58	27	Claim in U.S. application and corresponding claim in PCT application have similar scopes.
59-60	27	Claims in U.S. application have scopes narrower than the corresponding claim in PCT application.
61	8	Claim in U.S. application and corresponding claim in PCT application have similar scopes.
62-69	8	Claims in U.S. application have scopes narrower than the corresponding claim in PCT application.
70	17	Claim in U.S. application and corresponding claim in PCT application have similar scopes.
71-76	17	Claims in U.S. application have scopes narrower than the corresponding claim in PCT application.
77	7	Claim in U.S. application has scope narrower than the corresponding claim in PCT application.
78-81	7	Claims in U.S. application have scopes narrower than the corresponding claim in PCT application.
82	30	Identical claims
83	37	Identical claims
84	31,38	Claim in U.S. application and corresponding claim in PCT application have similar scopes.
85	32,39	Claim in U.S. application and corresponding claim in PCT application have similar scopes.
86	34,41	Claim in U.S. application and corresponding claim in PCT application have similar scopes.

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

Signature /Mary Rose Scozzafava/	Date 1-28-2010
Name (Print/Typed) Mary Rose Scozzafava	Registration Number 36,268

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.

AS FILED IN PCT/US09/38566

CLAIMS:

1. A three-dimensional cellular array comprising:

a porous, hydrophilic substrate, wherein the substrate comprises a plurality of porous regions, each porous region bounded at least in part by a liquid impervious boundary; and

a hydrogel comprising cells,

wherein the hydrogel is embedded within the porous regions.

2. The cellular array of claim 1, wherein the substrate is paper, nitrocellulose, cellulose acetate, cloth, or porous polymer film.

3. The cellular array of claim 1, wherein the cells are bacterial cells, insect cells, yeast cells, or mammalian cells.

4. The cellular array of claim 1, wherein the hydrogel is a temperature sensitive hydrogel.

5. The cellular array of claim 1, wherein the hydrogel is an ionotropic hydrogel.

6. The cellular array of claim 1, wherein the liquid impervious boundary comprises PDMS, poly(lactic-co-glycolic acid), epoxy, polystyrene, a polyether, a polyamide, PMMA, polycarbonate, polyethylene, polypropylene, a photoresist precursors, a wax or a fat.

7. A method of making a three-dimensional cellular array, comprising:

providing a porous, hydrophilic substrate, wherein the substrate comprises a plurality of porous regions, each porous region bounded at least in part by a liquid impervious boundary; and

contacting the porous, hydrophilic substrate with a suspension of cells and a temperature-sensitive hydrogel or an ionotropic hydrogel precursor, wherein the suspension saturates one or more porous regions of the substrate.

8. The method of claim 7, further comprising wetting the substrate with a gelling agent before contacting the suspension of cells with the substrate.

9. The method of claim 8, wherein the gelling agent induces the formation of a hydrogel embedded in one or more porous regions of the substrate, the hydrogel comprising cells.

10. The method of claim 7, wherein the substrate is paper, nitrocellulose, cellulose acetate, cloth, or porous polymer film.

11. The method of claim 7, wherein the cells are bacterial cells, insect cells, yeast cells, or mammalian cells.

12. The method of claim 7, wherein the liquid impervious boundary comprises PDMS, poly(lactic-co-glycolic acid), epoxy, polystyrene, a polyether, a polyamide,

PMMA, polycarbonate, polyethylene, polypropylene, a photoresist precursors, a wax or a fat.

13. A method of making a three-dimensional cellular array, comprising:

providing a porous, hydrophilic substrate;

contacting a plurality of defined regions of the substrate with a suspension, the suspension comprising cells and a temperature-sensitive hydrogel or an ionotropic hydrogel precursor, wherein the suspension saturates the plurality of defined regions of the substrate; and

contacting the temperature-sensitive hydrogel or the ionotropic hydrogel precursor with a gelling agent, wherein the gelling agent induces the formation of a hydrogel embedded in the plurality of defined regions of the substrate.

14. The method of claim 13, wherein the substrate is paper, nitrocellulose, cellulose acetate, cloth, or porous polymer film.

15. The method of claim 13, wherein the cells are bacterial cells, insect cells, yeast cells, or mammalian cells.

16. The method of claim 13, further comprising contacting the array with a culture medium.

17. A method of identifying an agent that modifies cellular function, the method comprising:

providing the array of claim 1;

contacting the array with one or more test agents; and

detecting one or more cellular functions in the presence of the one or more test agents;

wherein a change in cellular function in the presence of the one or more test agents indicates the one or more test agents modify cellular function.

18. The method of claim 17, wherein the array is contacted with the one or more test agents at a plurality of porous regions.

19. The method of claim 17, wherein each porous region is contacted with a different test agent.

20. The method of claim 17, wherein the cellular function is proliferation, migration, viability, or gene transcription.

21. A three-dimensional cellular array comprising:

a first porous, hydrophilic substrate comprising a hydrogel, the hydrogel comprising cells and disposed within first the substrate at a defined region;

a second porous, hydrophilic substrate comprising a hydrogel; and

a third porous, hydrophilic substrate, the first substrate stacked on the second substrate, and the second substrate stacked on the third substrate.

22. The array of claim 21, wherein the third substrate comprises a test agent.

23. The array of claim 22, wherein the test agent is a small molecule, amino acid, polypeptide, nucleic acid, carbohydrate, or polysaccharide.

24. The method of claim 21, wherein the substrate is paper, nitrocellulose, cellulose acetate, cloth, or porous polymer film.

25. The method of claim 21, wherein the cells are bacterial cells, insect cells, yeast cells, or mammalian cells.

26. A method of identifying an agent that modifies cellular function, the method comprising:

providing the three-dimensional array of claim 1;

cutting the substrate into a plurality of segments, each segment having equal dimensions;

contacting each segment with a test agent or a control; and

detecting one or more cellular functions in the presence of the test agent;

wherein a change in cellular function in the presence of the test agent indicates the test agent modifies cellular function.

27. A three-dimensional microarray comprising:

a bottomless microtiter plate having a plurality of wells;

and a porous flexible substrate comprising a plurality of porous regions and a plurality of liquid impervious boundaries, each porous region bounded by a liquid impervious boundary;

wherein the wells and the liquid impervious boundaries are arranged in identical patterns, the microtiter plate and the substrate attached so that the plurality of wells are aligned and sealingly joined to the plurality of liquid impervious boundaries to form an individual chamber for each porous region.

28. The microarray of claim 27, wherein the porous regions of the substrate comprise cells in a hydrogel.

29. A method of identifying an agent that modifies cellular function, the method comprising:

providing the three-dimensional microarray of claim 20;

contacting the array with one or more test agents; and

detecting one or more cellular functions in the presence of the one or more test agents;

wherein a change in cellular function in the presence of the one or more test agents indicates the one or more test agents modify cellular function.

30. A method of patterning a porous, hydrophobic substrate, the method comprising:

contacting a porous, hydrophobic substrate with an aqueous solution comprising a water-soluble compound, the solution infiltrating the substrate to form

a first region of the substrate that is saturated with the solution and a second region that is not contacted with the solution;

contacting the substrate with a hydrophobic material, the hydrophobic material saturating the second region; and

removing the water-soluble compound, resulting in a hydrophilic porous region that is bounded by the hydrophobic material.

31. The method of claim 30, wherein the water-soluble compound is sucrose, trehalose, glucose, fructose, xylitol, ribose, threitol, mannose, or glycerol.

32. The method of claim 30, wherein the hydrophobic material is PDMS, poly(lactic-co-glycolic acid), epoxy or polystyrene.

33. The method of claim 30, wherein the aqueous solution is spotted, printed, drawn, or stamped onto the porous, hydrophobic substrate.

34. The method of claim 33, wherein the solution is printed using an inkjet printers.

35. The method of claim 30, wherein the substrate is nitrocellulose, cellulose acetate, cellulosic paper, filter paper, cloth, or a porous polymer film.

36. The method of claim 30, wherein the substrate is paper.

37. A method of patterning a porous, hydrophobic substrate, the method comprising:

contacting a porous, hydrophobic substrate with a hydrophobic material, the hydrophobic material saturating the substrate;

contacting a region of the substrate with an aqueous solution comprising a water-soluble compound, the solution displacing the hydrophobic material from the region; and

removing the water-soluble compound, resulting in a hydrophilic porous region that is bounded by the hydrophobic material.

38. The method of claim 37, wherein the water-soluble compound is sucrose, trehalose, glucose, fructose, xylitol, ribose, threitol, mannose, or glycerol.

39. The method of claim 37, wherein the hydrophobic material is PDMS, poly(lactic-co-glycolic acid), epoxy or polystyrene.

40. The method of claim 37, wherein the aqueous solution is spotted, printed, drawn, or stamped onto the porous, hydrophobic substrate.

41. The method of claim 40, wherein the solution is printed using an inkjet printers.

42. The method of claim 37, wherein the substrate is nitrocellulose, cellulose acetate, cellulosic paper, filter paper, cloth, or a porous polymer film.

43. The method of claim 37, wherein the substrate is paper.

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30 SEP 2010

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David A. Einhorn, Esq.
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In re Application of:	:	
UCHIDA, Minoru, et al.	:	
U.S. Application No.: 12/934,194	:	DECISION ON PETITION
PCT No.: PCT/JP2008/073760	:	(37 CFR 1.137(b))
International Filing Date: 26 December 2008	:	
Priority Date: 11 January 2008	:	
Attorney Docket No.: DE 1977	:	
For: ELECTROLYSIS METHOD	:	

The petition for revival under 37 CFR 1.137(b) filed 23 September 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/JP2008/073760 became abandoned with respect to the United States at midnight on 11 July 2010 based on applicants' failure to request entry into the national stage in the United States and submit payment of the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee, as well as the "required reply" in the form of a request for entry into the national stage in the United States and payment of the small entity basic national fee. The petition also includes a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition 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.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

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FEB 21 2012
OFFICE OF PETITIONS

In re Application of

Pierre-Andre Larocque
Application No. 12/934,226
Filed: September 23, 2010
Attorney Docket No. H3Z89W04

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 19, 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 Nicolas Pellemans on behalf of all attorneys of record who are associated with customer No. 85488. All attorneys/agents associated with the Customer Number 85488 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: PIERRE-ANDRE LAROCQUE
GESTON PALS QI INC
417 BOL DES HAUTEIRS
SAINT-ADELE QUEBEC J8B 1N3
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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/934,226	09/23/2010	Pierre-Andre Larocque	H3Z89W04

CONFIRMATION NO. 5698

POWER OF ATTORNEY NOTICE

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CANADA

OC000000052458209

Date Mailed: 02/07/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/19/2012.

- 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

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JUL 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
OHSE, Katsuto, et al. :
Application No.: 12/934,230 :
PCT No.: PCT/JP2009/056306 :
Int. Filing Date: 27 March 2009 : DECISION
Priority Date: 27 March 2008 :
Attorney Docket No.: 1680/67 :
For: THERMOSENSITIVE RECORDING :
MEDIUM :

This decision is in response to applicant's petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 10 May 2011.

BACKGROUND

On 23 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/JP2009/056306, while electronic data identified the filing as a national phase entry of PCT/US2009/056306.

On 08 April 2011, the Office mailed Notification, indicating that applicant had identified conflicting international application information for the above application and that a petition under 37 CFR 1.182 was required to correct the information.

On 10 May 2011, applicant filed this petition under 37 CFR 1.182.

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/JP2009/056306. 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/JP2009/056306.

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

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PCT LEGAL ADMINISTRATION

In re Application of	:	
POULOKEFALOS, Dimitris	:	DECISION
Application No.: 12/934,239	:	
PCT No.: PCT/US2009/037873	:	
Int. Filing Date: 20 March 2009	:	
Priority Date Claimed: 21 March 2008	:	
Attorney's Docket No.: AGT 015 US	:	
For: MERCHANDISE DISPLAY AND PUSHER DEVICE	:	

This decision is in response to applicant's "REQUEST FOR RECONSIDERATION OF ABANDONMENT" filed 20 October 2010, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 20 March 2009, applicant filed international application PCT/US2009/037873 which designated the U.S. and claimed a priority date of 21 March 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) 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 21 September 2010.

On 23 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventor.

On 19 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned 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 20 October 2010, applicant filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the NOTIFICATION OF ABANDONMENT mailed 19 October 2010 be vacated. The petition urges that applicant is only claiming priority to the international filing date of PCT/US2009/037873 rather than to the priority date claimed in that application. The petition urges that the declaration of the inventor establishes this in that it does not list the priority claim of the international application.

The national stage of an international application "commence[s] with the expiration of the application time limit under article 22(1) or (2), or under article 39(1)(a) of the [Patent Cooperation] treaty." 35 U.S.C. 371(b). PCT Article 22(1) states that applicant shall pay the national fee to each Designated Office not later than at the expiration of 30 months from the priority date. The "priority date" is defined in PCT Article 2(xi) as meaning "where the international application contains a priority claim under Article 8, the filing date of the application whose priority is so claimed." Accordingly, the U.S. Basic National Fee is due at 30 months from the priority date; whether the priority claim is listed in the declaration of the inventor for the U.S. is of no moment. (Although it is possible to withdraw a priority claim during the international phase (PCT Rule 90bis.3), no such withdrawal was made.)

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application remains abandoned for the reasons set forth in the NOTIFICATION OF ABANDONMENT mailed 19 October 2010.

/Daniel Stemmer/

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PCT LEGAL ADMINISTRATION

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In re Application of	:	
POULOKEFALOS, Dimitris	:	DECISION
Application No.: 12/934,239	:	
PCT No.: PCT/US2009/037873	:	
Int. Filing Date: 20 March 2009	:	
Priority Date Claimed: 21 March 2008	:	
Attorney's Docket No.: AGT 015 US	:	
For: MERCHANDISE DISPLAY AND PUSHER DEVICE	:	

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 31 January 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 March 2009, applicant filed international application PCT/US2009/037873 which designated the U.S. and claimed a priority date of 21 March 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) 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 21 September 2010.

On 23 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventor.

On 19 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned 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 20 October 2010, applicant filed a "REQUEST FOR RECONSIDERATION OF ABANDONMENT", which was properly treated as a petition under 37 CFR 1.181.

On 18 January 2011, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.181.

On 31 January 2011, applicant filed the instant petition under 37 CFR 1.137(b).

DISCUSSION

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

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

As to item (1), the U.S. Basic National Fee was paid on 23 September 2010..

As to item (2), applicant submitted the petition fee on 31 January 2011.

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

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

(It is noted that although a withdrawal of the priority claim was filed with the International Bureau on 21 January 2011 (which can be viewed on the WIPO Patentscope Database using the above-identified international application number), the withdrawal is not effective since it was filed more than thirty months from the priority date. See PCT Rule 90bis.3(a).)

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/

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PCT LEGAL ADMINISTRATION

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In re Application of	:	
POULOKEFALOS, Dimitris	:	DECISION
Application No.: 12/934,239	:	
PCT No.: PCT/US2009/037873	:	
Int. Filing Date: 20 March 2009	:	
Priority Date Claimed: 21 March 2008	:	
Attorney's Docket No.: AGT 015 US	:	
For: MERCHANDISE DISPLAY AND PUSHER DEVICE	:	

This decision is in response to applicants' petition under 37 CFR 1.181 to withdraw the holding of abandonment. The petition was filed in the United States Patent and Trademark Office (USPTO) on 17 February 2012.

BACKGROUND

On 20 March 2009, applicant filed international application PCT/US2009/037873 which designated the U.S. and claimed a priority date of 21 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 at midnight on 21 September 2010.

On 23 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventor.

On 19 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned 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 20 October 2010, applicant filed a "REQUEST FOR RECONSIDERATION OF ABANDONMENT", which was properly treated as a petition under 37 CFR 1.181.

On 18 January 2011, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.181.

On 31 January 2011, applicant filed a petition under 37 CFR 1.137(b).

On 04 April 2011, a decision was mailed granting applicant's petition under 37 CFR 1.137(b).

On 14 April 2011, the DO/EO/US mailed three items:

a Letter Regarding a New Notice and/or the Status of the Application;
a Filing Receipt; and
a Notification of Insufficient Fees (Form PCT/DO/EO/923) indicating, *inter alia*, that total additional fees of $160 were due. The Notification set a two-month extendable time period for response.

On 10 February 2012, the DO/EO/US mailed 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 respond to Form PCT/DO/EO/923 mailed 14 April 2011.

On 17 February 2012, applicant submitted the instant petition under 37 CFR 1.181 to withdraw the holding of abandonment mailed 10 February 2012.

DISCUSSION

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1) and (2) have been satisfied.

As to item (3), MPEP § 711.03(c), para. I.A. states that 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." Petitioner has provided such a docket record. Petitioner also states that the "[r]eview of the file wrapper included review of every paper in the file wrapper" (paragraph 9 of the petition). Such a review would preclude a scenario where the Form PCT/DO/EO/923 was received with the other documents mailed 14 April 2011 but was placed in the application file without the deadline set forth in the Form having been properly docketed. Accordingly, item (3) has been met.

CONCLUSION

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

The Form PCT/DO/EO/923 mailed 14 April 2011 is VACATED.

The NOTIFICATION OF ABANDONMENT mailed 10 February 2012 is VACATED.

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

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

/Daniel Stemmer/

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PCT LEGAL ADMINISTRATION

In re Application of :
WU et al. :
U.S. Application No. 12/934,292 :
PCT No.: PCT/JP2009/001100 :
It. Filing Date: 12 March 2009 :
Priority Date: 26 March 2008 :
Attorney Docket No.: 13006.168 : DECISION ON PETITION
For: BIAXIALLY STRETCHED POLYAMIDE RESIN FILM HAVING GAS BARRIER PROPERTIES AND PROCESS FOR PRODUCING THE BIAXIALLY STRETCHED POLYAMIDE RESIN FILM :

This decision is in response to "Petition (under 37 CFR 1.47(a)) Where Inventor Cannot Found" filed 03 December 2010 to accept the application without the signature of joint-inventor, Xiaorui WU.

BACKGROUND

On 12 March 2009, applicants filed international application PCT/JP2009/001100. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 September 2010.

On 24 September 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 22 November 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 03 December 2010, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

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

As to item (2), petitioner states that Xiaorui WU cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that the petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, Xiaorui WU. No documentary evidence to support the failed attempts were provided with the present petition.

Before item (2) can be considered satisfied, applicants must provide the required firsthand evidence (with documentary support) demonstrating that a diligent effort has been made to locate the nonsigning inventor(s). A diligent effort to locate the inventor should include an internet search, and the results of such a search should be included in any subsequent submission herein.

Regarding item (3) above, a clear statement of the last known address of the nonsigning inventor (Xiaorui WU) has not been provided. In situations where an inventor (Xiaorui WU) does not execute the oath or declaration, the inventor's most recent <u>home</u>

address must be given to enable the Office to communicate directly with the inventor as necessary. (See MPEP §605.03.) Therefore, Item (3) has not been satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Xiaorui WU under 37 CFR 1.47(a) at this time.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (571) 272-3298

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P.O. Box 1450
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Fildes & Outland, P.C.
20916 Mack Avenue, Suite 2
Grosse Pointe Woods MI 48236

MAILED
JUN 03 2011
PCT LEGAL ADMINISTRATION

In re Application of :
WU et al. :
U.S. Application No. 12/934,292 :
PCT No.: PCT/JP2009/001100 :
It. Filing Date: 12 March 2009 :
Priority Date: 26 March 2008 :
Attorney Docket No.: 13006.168 : DECISION ON PETITION
For: BIAXIALLY STRETCHED POLYAMIDE RESIN FILM HAVING GAS BARRIER PROPERTIES AND PROCESS FOR PRODUCING THE BIAXIALLY STRETCHED POLYAMIDE RESIN FILM :

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 05 April 2011 to accept the application without the signature of joint-inventor, Xiaorui WU.

BACKGROUND

On 12 March 2009, applicants filed international application PCT/JP2009/001100. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 September 2010.

On 24 September 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 22 November 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 03 December 2010, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 11 February 2011, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 05 April 2011, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

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

As to item (2), petitioner states that Xiaorui WU cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

Here, the attempts to contact the nonsigning inventor (Xiaorui WU) are set forth in the statement (Statement of Facts for Petition under 37 CFR 1.47(a)) by Masaki Yoshikawa considered herein. However, it is not clear whether the person (Masaki Yoshikawa) who executed the statements in support of Petition under 37 CFR 1.47(a) is the person who conducted all of the actions set forth therein. It appears that the statements made with regards to efforts to reach Xiaorui WU constitutes secondhand knowledge, at best, in that the majority of the actions to which petitioner is averring to were conducted by Zengxun WU. Secondhand evidence does not satisfy the requirements set forth above. Applicants must provide evidence of the efforts made to reach the nonsigning inventor in the form required by the MPEP, that is, in an affidavit or declaration from a person with firsthand knowledge of the facts set forth, accompanied by copies of any supportive documentary evidence.

Additionally, it is unclear whether the petitioner is asserting that the nonsigning inventor (Xiaorui WU) has refused to execute the application or cannot be located to execute the application. If Xiaorui WU cannot be located, applicants must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate the nonsigning inventors. As stated above, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts. Therefore, item (2) has not been satisfied.

Regarding item (3) above, a clear statement of the last known address of the nonsigning inventor (Xiaorui WU) has been provided. Therefore, Item (3) has been satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Xiaorui WU under 37 CFR 1.47(a) at this time.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
SEP 20 2011
PCT LEGAL ADMINISTRATION

In re Application of: WU et al. :
U.S. Application No. 12/934,292 :
PCT No.: PCT/JP2009/001100 :
It. Filing Date: 12 March 2009 :
Priority Date: 26 March 2008 :
Attorney Docket No.: 13006.168 :
For: BIAXIALLY STRETCHED POLYAMIDE RESIN FILM HAVING GAS BARRIER PROPERTIES AND PROCESS FOR PRODUCING THE BIAXIALLY STRETCHED POLYAMIDE RESIN FILM : DECISION ON PETITION

In a decision mailed by this Office on 03 June 2011, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition.

On 12 July 2011, petitioner filed the renewed petition considered herein. The renewed petition includes a statement from Yumi Inoue, with accompanying documents, which provides the required firsthand evidence that the nonsigning inventor (Xiaorui WU) could not be reached after diligent effort. These materials satisfy the outstanding requirements for a grantable petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor, Xiaorui WU.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Xiaorui WU
Zhong Jian Dan Yaun 401
22-5 Yu Hong Lu
Haizhou Fuxin Liaoning
China 1123000

MAILED
SEP 20 2011
PCT LEGAL ADMINISTRATION

In re Application of: WU et al.
U.S. Application No. 12/934,292
PCT No.: PCT/JP2009/001100
It. Filing Date: 12 March 2009
Priority Date: 26 March 2008
Attorney Docket No.: 13006.168
For: BIAXIALLY STRETCHED POLYAMIDE RESIN FILM HAVING GAS BARRIER PROPERTIES AND PROCESS FOR PRODUCING THE BIAXIALLY STRETCHED POLYAMIDE RESIN FILM

Dear Xiaorui WU:

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 a legal representative of the deceased inventor.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Counsel of Record:
Fildes & Outland, P.C.
20916 Mack Avenue, Suite 2
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,319	09/24/2010	Keiji Ishibashi	202262-0013 (459135)	6616

55694 7590 12/15/2010
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
12/15/2010	ELECTRONIC

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

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

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

DBRIPDocket@dbr.com
penelope.mongelluzzo@dbr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

In re Application of
Keiji ISHIBASHI
Application No.: 12/934,319
Filed: 24 September 2010
Attorney Docket No.: 202262-0013 (459135)
For: GROUP III NITRIDE SUBSTRATE, SEMICONDUCTOR DEVICE COMPRISING THE SAME, ...

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 24 September 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

MAILED

MAR 04 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KWAK :
Application No.: 12/934,330 :
PCT No.: PCT/KR2008/002910 :
Int. Filing Date: 23 May 2008 :
Priority Date: 25 March 2008 :
Attorney Docket No.: F5563-00004 :
For: METHOD AND SYSTEM FOR :
SEARCH/TREATMENT OF :
TINNITUS :

DECISION

This decision is in response to applicants' communication, filed with the United States Patent and Trademark Office on 13 December 2010. It is being treated as a statement under MPEP 1893.01(e).

BACKGROUND

On 13 October 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 13 December 2010, applicants filed a declaration of the inventors and a statement under MPEP 1893.01(e).

DISCUSSION

The international application lists the first inventor as "KAWK, Sang-Yeop," while the declaration lists the first inventor as "Sangyeop KWAK." In the application data sheet, applicants indicate the inventor's name is "KWAK, Sang Yeop". In the statement, applicants indicate the inventor's name is "Sang-yeop Kwak". In the copy of the priority document, the inventor's name is "Sang Yeop Kwak". Applicants are asked to verify and confirm the correct spelling of the inventor's given name(s). The correction of the typographical error in the inventor's family name is clear.

CONCLUSION

For the above reasons, applicant's statement under 1893.01(e) is **DISMISSED** without prejudice.

A proper response is required within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely reply will result in the abandonment of this application.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

MAILED
JUN 23 2011
PCT LEGAL ADMINISTRATION

In re Application of :
KWAK :
Application No.: 12/934,330 :
PCT No.: PCT/KR2008/002910 :
Int. Filing Date: 23 May 2008 : DECISION
Priority Date: 25 March 2008 :
Attorney Docket No.: F5563-00004 :
For: METHOD AND SYSTEM FOR :
SEARCH/TREATMENT OF :
TINNITUS :

This decision is in response to applicants' communication, filed with the United States Patent and Trademark Office on 21 April 2011. It is being treated as a statement under MPEP 1893.01(e).

BACKGROUND

On 04 March 2011, the Office mailed Decision indicating that the spelling of the first inventor's first name was inconsistent and asking for confirmation of the spelling.

On 21 April 2011, applicants filed a second statement under MPEP 1893.01(e).

DISCUSSION

Applicants state the first inventor's name is "Sangyeop Kwak" as stated in the declaration. The correction of the typographical error in the inventor's name is accepted under MPEP 1893.01(e). The declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicant's statement under 1893.01(e) is **GRANTED**.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,334	09/24/2010	Takuji Maeda	SHINP0109US	6712

51921 7590 04/26/2011
MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2165	

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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MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115

In re Application of: MAEDA et al.
Application No. 12/934,334
Attorney Docket #: **SHINP0109US**
Filed: September 24, 2010
For: **ACCESS DEVICE, INFORMATION RECORDING DEVICE, INFORMATION RECORDING SYSTEM, FILE MANAGEMENT METHOD, AND PROGRAM**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 25, 2011 to make the above-identified application special.

The petition is **GRANTED.**

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

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

Or

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

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

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

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

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

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

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

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

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

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

The petition is **GRANTED.**

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

Mano Padmanabhan
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UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
APR 15 2011
PCT LEGAL ADMINISTRATION

In re Application of GROSSE-LAXZEN et al	:	
U.S. Application No.: 12/934,358	:	
PCT Application No.: PCT/EP2009/053440	:	
Int. Filing Date: 24 March 2009	:	DECISION
Priority Date Claimed: 28 March 2008	:	
Attorney Docket No.: 2008P01229WOUS	:	
For: METHOD FOR DETERMINING THE	:	
SUCTION MASS FLOW OF A GAS TURBINE	:	

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

BACKGROUND

On 24 March 2009, applicant filed international application PCT/EP2009/053440, which claimed priority of an earlier European Patent Office application filed 28 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 01 October 2009. The thirty-month period for paying the basic national fee in the United States expired on 28 September 2010.

On 24 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 19 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 February 2011, applicant filed the present petition under 37 CFR 1.47(a).

On 15 February 2011, applicant filed an executed declaration.

DISCUSSION

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

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document

> evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Although the petition fails to state whether inventor Rolf Grosse-Laxzen refuses to sign or cannot be found, it is apparent from Exhibit D that the whereabouts of the inventor are known. Thus, it would not be reasonable to conclude that the inventor cannot be located. Furthermore, although the inventor's failure to respond to correspondence delivered to him would generally constitute a constructive refusal to cooperate, petitioner has not demonstrated that a complete copy of the application papers (including specification, claims, drawings, and oath/declaration) has been presented to the inventor. Exhibits A, B, and C illustrate that declaration and assignment documents were sent to the inventor but do not indicate that the specification, claims, and drawings were included as part of the correspondence. As set forth in MPEP 409.03(d), it is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed.

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

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

CONCLUSION

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

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

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MAILED
JUN 29 2011
PCT LEGAL ADMINISTRATION

In re Application of GROSSE-LAXZEN et al	:	
U.S. Application No.: 12/934,358	:	
PCT Application No.: PCT/EP2009/053440	:	
Int. Filing Date: 24 March 2009	:	DECISION
Priority Date Claimed: 28 March 2008	:	
Attorney Docket No.: 2008P01229WOUS	:	
For: METHOD FOR DETERMINING THE	:	
SUCTION MASS FLOW OF A GAS TURBINE	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 10 May 2011.

BACKGROUND

On 24 March 2009, applicant filed international application PCT/EP2009/053440, which claimed priority of an earlier European Patent Office application filed 28 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 01 October 2009. The thirty-month period for paying the basic national fee in the United States expired on 28 September 2010.

On 24 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 19 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 February 2011, applicant filed a petition under 37 CFR 1.47(a).

On 15 February 2011, applicant filed an executed declaration.

On 15 April 2011, this Office mailed a decision dismissing the 14 February 2011 petition.

On 10 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.

Applicant previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition indicates that inventor Rolf Grosse-Laxzen refuses to sign. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Grosse-Laxzen for signature and that he received such papers (see affidavit of Sabrina Knöpges and Exhibit D). Furthermore, the petition sufficiently illustrates that Grosse-Laxzen refuses to sign. In particular, Grosse-Laxzen's failure to return an executed declaration in response to the letter delivered to him constitutes a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Grosse-Laxzen refuses to join in the application.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 24 March 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 February 2011.

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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Rolf Grosse-Laxzen
Tannenweg 23
15834 Rangsorf
GERMANY

MAILED
JUN 29 2011
PCT LEGAL ADMINISTRATION

In re Application of GROSSE-LAXZEN et al
U.S. Application No.: 12/934,358
PCT Application No.: PCT/EP2009/053440
Int. Filing Date: 24 March 2009
Priority Date Claimed: 28 March 2008
For: METHOD FOR DETERMINING THE SUCTION MASS FLOW OF A GAS TURBINE

Dear Rolf Grosse-Laxzen:

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
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PCT Legal Office
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
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Attorney Docket No.: 2008P01229WOUS

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FEB 25 2011

PCT LEGAL ADMINISTRATION

Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON MA 02110-1618

In re Application of
ERIKSSON, Järlich, Andréas, Lars, Gunnar
Application No.: 12/934,370
PCT No.: PCT/EP2008/002340
Int. Filing Date: 25 March 2008
Priority Date: None
Attorney Docket No.: 2775/114
For: RADIOTHERAPEUTIC TREATMENT PLANNING APPARATUS AND METHODS

DECISION

This decision is in response to applicant's petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 29 December 2010.

BACKGROUND

On 24 September 2010, applicant 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/EP2008/002340, while electronic data identified the filing as a national phase entry of PCT/US2008/002340.

On 22 December 2010, the Office mailed Notification, indicating that applicant had identified conflicting international application information for the above application and that a petition under 37 CFR 1.182 was required to correct the information.

On 29 December 2010, applicant filed this petition under 37 CFR 1.182.

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/EP2008/002340. 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/EP2008/002340.

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

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:	12/934,380	Filing date:	September 27, 2010
First Named Inventor:	O'SHAUGHNESSY, Patrick		
Title of the Invention:	A Safety System For Firearms		

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/IE2010/000006

The international filing date of the corresponding PCT application(s) is/are: February 5, 2010

I. List of Required Documents:

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

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

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

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

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

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

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

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

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

(continued)

Application No.:	12/934,380
First Named Inventor:	O'SHAUGHNESSY, Patrick

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

- [x] Is attached
- [x] Has already been filed in the above-identified U.S. application on September 24, 2010

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

- [x] Are attached.
- [x] Have already been filed in the above-identified U.S. application on September 24, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
See Attached Supplement Sheet	See Attached Supplement Sheet	See Attached Supplement Sheet

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

Signature /carl m davis ii/	Date August 12, 2011
Name (Print/Typed) Carl M. Davis II	Registration Number 31,502

Supplement Sheet

Request For Participation In The PCT-PPH Pilot Program

Between The EPO and The USPTO

US S/N 12/934,380

II. Claims Correspondence Table:

Claims in US App.	Patentable Claims in the Corresponding PCT App.	Explanation regarding the correspondence
1	1	Claim limitations have sufficient correspondence
2		
3		
4	2	Claim limitations have sufficient correspondence
5	3	Claim limitations have sufficient correspondence
6	4	Claim limitations have sufficient correspondence
7	5	Claim limitations have sufficient correspondence
8	6	Claim limitations have sufficient correspondence
9	7	Claim limitations have sufficient correspondence
10		
11		
12	8	Claim limitations have sufficient correspondence
13		
14		
15	9	Claim limitations have sufficient correspondence
16	10	Claim limitations have sufficient correspondence

Supplement Sheet
US S/N 12/934,380

Claims in US App.	Patentable Claims in the Corresponding PCT App.	Explanation regarding the correspondence
17	11	Claim limitations have sufficient correspondence
18	12	Claim limitations have sufficient correspondence
19	13	Claim limitations have sufficient correspondence
20	14	Claim limitations have sufficient correspondence
21	15	Claim limitations have sufficient correspondence
22	16	Claim limitations have sufficient correspondence
23	17	Claim limitations have sufficient correspondence
24	18	Claim limitations have sufficient correspondence
25	19	Claim limitations have sufficient correspondence
26	20	Claim limitations have sufficient correspondence
27	21	Claim limitations have sufficient correspondence
28	22	Claim limitations have sufficient correspondence
29	23	Claim limitations have sufficient correspondence
30	24	Claim limitations have sufficient correspondence
31	25	Claim limitations have sufficient correspondence
32	26	Claim limitations have sufficient correspondence
33	27	Claim limitations have sufficient correspondence
34	28	Claim limitations have sufficient correspondence
35	29	Claim limitations have sufficient correspondence
36	1, 17, 18, 19	Multiple dependent claim 25 depending from claim 24 in PCT/IE2010/000006; claim limitations have sufficient correspondence

Supplement Sheet
US S/N 12/934,380

Claims in US App.	Patentable Claims in the Corresponding PCT App.	Explanation regarding the correspondence
37	1, 17, 18, 20	Multiple dependent claim 26 depending from claim 24 in PCT/IE2010/000006; claim limitations have sufficient correspondence
38	1, 17, 18, 21	Multiple dependent claim 27 depending from claim 24 in PCT/IE2010/000006; claim limitations have sufficient correspondence
39	1, 17, 18, 22	Multiple dependent claim 28 depending from claim 24 in PCT/IE2010/000006; claim limitations have sufficient correspondence
40	1, 17, 18, 23	Multiple dependent claim 29 depending from claim 24 in PCT/IE2010/000006; claim limitations have sufficient correspondence
41	1, 17, 18, 24	Multiple dependent claim 30 depending from claim 24 in PCT/IE2010/000006; claim limitations have sufficient correspondence
42	1, 17, 18, 24, 25	Multiple dependent claim 31 depending from claim 30 in PCT/IE2010/000006; claim limitations have sufficient correspondence
43	1, 17, 18, 24, 26	Multiple dependent claim 32 depending from claim 30 in PCT/IE2010/000006; claim limitations have sufficient correspondence
44	1, 17, 18, 27	Multiple dependent claim 33 depending from claim 24 in PCT/IE2010/000006; claim limitations have sufficient correspondence
45	1, 17, 18, 28	Multiple dependent claim 34 depending from claim 24 in PCT/IE2010/000006; claim limitations have sufficient correspondence
46	1, 17, 18, 29	Multiple dependent claim 35 depending from claim 24 in PCT/IE2010/000006; claim limitations have sufficient correspondence

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,380	09/27/2010	Patrick O'Shaughnessy	2170472-000017	7004

49840 7590 11/10/2011
Baker Donelson
Intellectual Property Department
Monarch Plaza, Suite 1600
3414 Peachtree Rd.
ATLANTA, GA 30326

EXAMINER
WEBER, JONATHAN C

ART UNIT	PAPER NUMBER
3641	

NOTIFICATION DATE	DELIVERY MODE
11/10/2011	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):

atlip@bakerdonelson.com
tdavis@bdbc.com

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3414 Peachtree Rd.
ATLANTA GA 30326

In re application of Patrick O'Shaughne Application No. 12/934,380 Filed: September 27, 2010 For: SAFETY SYSTEM FOR FIREARMS	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 12, 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 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.

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: 11/09/11

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

COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON, DC 20001

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Shenoy et al.	:	
Application No. 12/934,392	:	DECISION ON PETITION
Filed: January 31, 2011		TO WITHDRAW FROM RECORD
Attorney Docket No. ALTH-017/01US	:	
307255-2348	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 12, 2011.

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

A review of the file record indicates that on May 26, 2011 the power of attorney to Cooley LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

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NOV 18 2011

PCT LEGAL ADMINISTRATION

EDWARDS WILDMAN PALMER LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of
QIN
U.S. Application No.: 12/934,393
PCT Application No.: PCT/US09/38393
Int. Filing Date: 26 March 2009
Priority Date: 26 March 2008
Atty. Docket No.: 81309 (42579)
For: SYSTEMS AND METHODS FOR DISTRIBUTING GAS IN A CHEMICAL VAPOR DEPOSITION REACTOR:

: DECISION ON PETITION
: REGARDING SMALL ENTITY

This is a decision on applicant's petition entitled "REQUEST UNDER 37 CFR 1.28(c) TO EXCUSE ERROR IN PAYMENT OF SMALL ENTITY FEES" filed on 27 July 2011 in the United States Patent and Trademark Office. For the reasons set forth below, Applicant's request is **GRANTED**.

On 24 September 2010, applicant filed a transmittal letter to enter national stage along with the basic national fee in the amount of $165, national stage search fee of $215, examination fee of $110, extra claims fees of $78.

On 20 December 2010, applicant paid the $65 surcharge for filing the declaration after the thirty month period.

On 27 July 2011, applicant filed the instant communication explaining that an error in the small entity status of the above referenced application was made through inadvertence and without deceptive intent.

A review of the finance records reveals that applicant has now paid additional fees amounting to the full basic national fee of $330, national stage search fee of $430, examination fee of $220, extra claims fees of $78 and the $130 surcharge for filing the declaration after the thirty month period.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision. This application no longer has small entity status.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: 571-272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Fish & Richardson P.C. (BO)
P.O. Box 1022
Minneapolis, MN 55440-1022

MAILED

MAR 29 2011

PCT LEGAL ADMINISTRATION

In re Application of:
STROESSNER et al.
Application No.: 12/934,423
PCT No.: PCT/EP2009/002668 (as corrected)
Int. Filing Date: 09 April 2009
Priority Date: 15 April 2008
Attorney's Docket No.: 24609-0048US1
For: METHOD FOR ANALYZING MASKS FOR PHOTOLITHOGRAPHY

PETITION UNDER
UNDER 37 CFR 1.182

This decision is issued in response to applicant's petition under 37 CFR 1.182 filed 18 March 2011. The petition seeks to correct the bibliographic data for the national stage application papers filed 24 September 2010, so as to allow such materials to be treated as the U.S. national stage of PCT/EP2009/002668.

BACKGROUND

On 07 March 2011, applicant was mailed a communication detailing the discrepancy between international application numbers on the Electronic Acknowledgement Receipt and other filing papers such as the Transmittal Letter.

On 18 March 2011, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/EP2009/002668. An examination of the originally filed papers finds that the correct international application number was listed on the Transmittal Letter filed 24 September 2010. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 24 September 2010 and to permit such materials to be treated as having been directed to international application PCT/EP2009/002668.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/EP2009/002668.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Anthony Smith
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3298

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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B

BASHEIR M. ALI
BRINKS, HOFER, GILSON & LIONE
P.O. BOX 110285
RESEARCH TRIANGLE PARK, NC 27709

MAILED

MAY 18 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
KORDES, Markus et al.	:	
US Application No.: 12/934,461	:	DECISION ON
PCT Application No.: PCT/EP2009/053402	:	
Int. Filing Date: 24 March 2009	:	
Priority Date: 28 March 2008	:	REQUEST UNDER
Atty Docket No.: 13779-616	:	
For: PESTICIDAL ACTIVE MIXTURES COMPRISING	:	37 CFR 1.42
AMINOTHIAZOLINE COMPOUNDS	:	
	:	

This decision is issued in response to the declaration filed on 21 March 2011, which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 24 March 2009, applicants filed international application No. PCT/EP2009/053402 and claimed a priority date of 28 March 2008. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 October 2009. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 September 2010.

On 24 September 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed declaration was submitted at such time.

On 19 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 21 March 2011, applicants filed a combined declaration/power of attorney signed by all joint inventors except the deceased inventor Hassan Oloumi-Sadeghi.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead,* states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to revised 37 CFR 1.497(b)(2), in addition to the name and citizenship of the deceased inventor referenced under 37 CFR 1.497(a)(3) and 37 CFR 1.63, the declaration must also provide name, residence, citizenship, and post office address for the legal representative. The declaration filed on 21 March 2011 provides the residence, citizenship, and post office address for Gale F. Matthews, who signed on behalf of the deceased inventor. Accordingly, the declaration is in compliance with 37 CFR 1.497(b)(2).

CONCLUSION

For the reasons above, applicants' petition under 37 CFR 1.42 is **GRANTED**.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision. The 35 U.S.C. 371(c)(1),(c)(2) and (c)(4) date is 21 March 2011.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OCT 17 2011

PCT LEGAL ADMINISTRATION

BASHEIR M. ALI
BRINKS, HOFER, GILSON & LIONE
P.O. BOX 110285
RESEARCH TRIANGLE PARK, NC 27709

In re Application of KORDES, Markus et al. US Application No.: 12/934,461 PCT Application No.: PCT/EP2009/053402 Int. Filing Date: 24 March 2009 Priority Date: 28 March 2008 Atty Docket No.: 13779-616 For: PESTICIDAL ACTIVE MIXTURES COMPRISING AMINOTHIAZOLINE COMPOUNDS	DECISION ON REQUEST UNDER 37 CFR 1.42

This decision is in response to the "SUBMISSION UNDER 37 C.F.R. 1.42" filed on 04 August 2011. No petition fee is required.

BACKGROUND

On 24 March 2009, applicants filed international application No. PCT/EP2009/053402 and claimed a priority date of 28 March 2008. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 October 2009. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 September 2010.

On 24 September 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed declaration was submitted at such time.

On 19 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 21 March 2011, applicants filed a request for status under 37 CFR 1.42.

On 18 May 2011, a decision granting the 21 March 2011 request was mailed.

On 04 August 2011, applicants submitted the present correspondence, which is being treated under 37 CFR 1.42.

DISCUSSION

The request states that, Faraneh Oloumi, is the legal representative for the deceased inventor Hassan Oloumi-Sadeghi. The declaration is in compliance with 37 CFR 1.42 and 1.497(b)(2).

CONCLUSION

For the reasons above, applicants' request for status under 37 CFR 1.42 is **GRANTED**.

The Notice of Acceptance (Form PCT/DO/EO/903) mailed 09 June 2011 is hereby **VACATED.**

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision, including issuance of a new filing receipt and Notice of Acceptance (Form PCT/DO/EO/903). The 35 U.S.C. 371(c)(1),(c)(2) and (c)(4) date is 04 August 2011.

/Shian Luong/
Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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:	12/934,468	Filing date:	27 May 2011
First Named Inventor:	Nicholas A. Forchette		
Title of the Invention:	ANIMAL SCRATCHER		

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/US2009/001844

The international filing date of the corresponding PCT application(s) is/are: 24 March 2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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.:	12/934,468
First Named Inventor:	Nicholas A. Forchette

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on 24 September 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 24 September 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 the same
2	2	Both claims are the same
3	3	Both claims are the same
4	4	Both claims are the same
5	5	Both claims are the same
6	6	Both claims are the same
7	7	Both claims are the same

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

Signature	Date September 14, 2011
Name (Print/Typed) David W. Black	Registration Number 42,331

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.

What is claimed is:

1. An apparatus comprising:

a plurality of elongate elastomeric fingers;

a substrate upon which the fingers are distributed, the fingers aligned substantially normal to a surface of the substrate; and

wherein a finger has a durometer of approximately 65.

2. The apparatus of claim 1 wherein at least one finger is conical shaped.

3. The apparatus of claim 1 wherein at least one finger is hollow.

4. The apparatus of claim 1 wherein at least one finger is fabricated of a thermoplastic elastomer (TPE).

5. A system comprising:

a substrate having a plurality of segments, each segment coupled to an adjacent segment by a hinge;

a plurality of raised features distributed about a surface of the substrate, wherein at least one raised feature has a durometer of approximately 65; and

a structure to which the substrate is affixed.

6. The system of claim 5 wherein the substrate is affixed to the structure by at least one of a staple, a nail, a threaded fastener, and a clip.

7. The system of claim 5 wherein the substrate has a plurality of fastener holes.

PATENT COOPERATION TREATY

PCT/US2009/001844

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:

STEFFEY, Charles, E.
Schwegman Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis, MN 55402
ETATS-UNIS D'AMERIQUE

Date of mailing *(day/month/year)* 07 October 2010 (07.10.2010)	
Applicant's or agent's file reference 2819.001WO1	IMPORTANT NOTICE

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/001844	24 March 2009 (24.03.2009)	26 March 2008 (26.03.2008)

Applicant
ITCHIN' POST, LLC et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

CPA GLOBAL
OCT 18 2010
RECEIVED
Coded _____ Verified _____

Schwegman Lundberg
& Woessner P.A.
OCT 18 2010
RECEIVED

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Athina Nickitas-Etienne e-mail: pt04.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 2819.001WO1	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2009/001844	International filing date *(day/month/year)* 24 March 2009 (24.03.2009)	Priority date *(day/month/year)* 26 March 2008 (26.03.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant ITCHIN' POST, LLC		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 28 September 2010 (28.09.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Athina Nickitas-Etienne e-mail: pt04.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
STEFFEY, CHARLES E.

SCHWEGMAN LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS MN 55402 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)* **11 SEPTEMBER 2009 (11.09.2009)**

Applicant's or agent's file reference
2819.001WO1

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/001844	**24 MARCH 2009 (24.03.2009)**	26 MARCH 2008 (26.03.2008)

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

A01K 13/00(2006.01)i, A01K 29/00(2006.01)i

Applicant

ITCHIN' POST, LLC et al

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

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

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

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

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	11 SEPTEMBER 2009 (11.09.2009)	LEE, CHUNG HO Telephone No.82-42-481-8133

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/001844

Box No. I Basis of this opinion

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

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

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

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

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

   a. type of material
   ☐ a sequence listing
   ☐ table(s) related to the sequence listing

   b. format of material
   ☐ on paper
   ☐ in electronic form

   c. time of filing/furnishing
   ☐ contained in the international application as filed.
   ☐ filed together with the international application in electronic form.
   ☐ furnished subsequently to this Authority for the purposes of search.

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

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/001844

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 - 7	YES
	Claims	None	NO
Inventive step (IS)	Claims	1 - 7	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1 - 7	YES
	Claims	None	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 06666167 B1
D2: US 2001-0045191 A1
D3: WO 1992-000666 A1

1. Novelty and Inventive Step

1.1 Claims 1-4

The subject matter of claim 1 differs from these prior art documents in that this invention provides an apparatus comprising a plurality of elongate elastomeric fingers having a durometer of 65, and a substrate upon which the fingers are distributed. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination.

Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-4 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

1.2 Claims 5-7

The subject matter of claim 5 differs from these prior art documents in that this invention provides a system comprising a substrate having a plurality of segments; a plurality of raised features distributed about a surface of the substrate, wherein at least one raised feature has a durometer of 65; and a structure to which the substrate is affixed. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination.

Therefore, claim 5 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 6-7 depend on claim 5 and consequently they are also considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-7 are industrially applicable under PCT Article 33(4).

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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.
12/934,468	05/27/2011	Nicholas A. Forchette	2819.001US1	7456

21186 7590 11/14/2011
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER
KEITH, KENDRA J

ART UNIT	PAPER NUMBER
1783	

NOTIFICATION DATE	DELIVERY MODE
11/14/2011	ELECTRONIC

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

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

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

uspto@slwip.com
request@slwip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

11/14/11

WG

In re application of Nicholas Forchette et al. Serial No. 12/934,468 Filed: May 27, 2011 For: ANIMAL SCRATCHER	: : : : : :	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 September 14, 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

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Commissioner for Patents
United States Patent and Trademark Office
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1650 Market St., Suite 4900
Philadelphia, PA 19103

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APR 14 2011

PCT LEGAL ADMINISTRATION

In re Application of
PYTLIK *et al*
U.S. Application No.: 12/934,475
PCT No.: PCT/EP2009/002364
Int. Filing Date: 01 April 2009
Priority Date: 03 April 2008
Attorney Docket No.: RUF-10-1352
For: ELECTROCHEMICAL CELL AND PROCESS FOR PRODUCING IT

DECISION

This is a decision on the response filed 13 December 2010 which is treated under 37 CFR 1.181. No fee is required.

BACKGROUND

On 24 September 2010, applicants filed papers to enter the national stage of PCT/EP2009/002364 using the USPTO EFS Web system. However, these papers were processed by the Office as the national stage of PCT/EP2009/002764 by mistake.

On 13 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. The international application was listed as PCT/EP2009/002764 on this form.

On 30 November 2010, applicants filed an executed declaration for PCT/EP2009/002364 along with a $130.00 surcharge fee.

On 08 December 2010, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) indicating that the current declaration did not identify the application to which it was directed.

On 13 December 2010, applicants filed the subject response.

DISCUSSION

In their response, applicants point out that the above-captioned application is the national stage of PCT/EP2009/002364, not PCT/EP2009/002764.

A review of the application shows that a clerical error was made by the Office during initial processing. The number of the international application was incorrectly input into the USPTO system as PCT/EP2009/002764. This error has been corrected.

The subject application is the national stage of PCT/EP2009/002364.

DECISION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/905 mailed 13 October 2010 and the Form PCT/DO/EO/916 mailed 08 December 2010 are both **VACATED**.

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

PTO/SB/20JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/934,484	Filing Date:	September 24, 2010
First Named Inventor:	Sadayuki KOBAYASHI		
Attorney Docket No.:	0599-0274PUS1		
Title of the Invention:	PROCESS FOR PRODUCING THERMOPLASTIC RESIN COMPOSITION		

THIS REQUEST FOR PARTICIPATION IN THE PPH 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) PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

The JPO/PCT application number(s) is/are: JP 2009/514575

The filing date of the JPO/ PCT application(s) is/are: March 25, 2009

I. List of Required Documents:

a. **A copy of the latest JPO office actions (other than "Decision to Grant a Patent"*) in the above-identified JPO application(s)**

☑ Is attached.

☐ Is not attached because the JPO application was allowed in a first office action.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

b. **A copy of all claims which were determined to be patentable by the JPO in the above-identified JPO application(s)**

☑ Is attached.

c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language). An accuracy statement for the English translation of the documents in a. above is not required if the English translation is a machine translation provided by the JPO.**

d. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☐ Is attached.

☑ Has already been filed in the above-identified U.S. application on September 24, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 24, 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 PATENT PROSECUTION HIGHWAY (PPH) BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

(continued)

Application No.:	12/934,484
First Named Inventor:	Sadayuki KOBAYASHI

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in JPO Application	Explanation regarding the correspondence
1	1	Substantially identical
2	2	Substantially identical
4	3	Substantially identical
5	4	Substantially identical
6	5	Substantially identical
7	6	Substantially identical
9	7	Substantially identical
10	8	Substantially identical
11	9	Substantially identical
12	10	Substantially identical

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO application.

Signature pc	Date October 12, 2011
Name (Print/Typed) Andrew D. Meikle	Registration Number 32868

Mailing Number 216869
Mailing Date April 5, 2011

Notification of Rejection

Filing number	2009-514575
Drafting date	March 25, 2011
Examiner	Yurika Ashihara 9162 4J00
Applicant	Toray Industries, Inc.
Applicable provision	§ 29 (1), § 29 (2)

This application should be rejected. The applicant can submit a Response from the forwarding date for a period of 60 days.

Reasons for Rejection

1. The inventions recited the following claims can not obtain a patent under § 29 (1) Subsection 3 of the Patent law, where inventions which were described in the following publication distributed or were applicable through an electric communication net in Japan or elsewhere prior to the filing of the patent application.

2. The inventions recited the following claims can not obtain a patent under § 29 (2) of the Patent law, where an invention could easily have been made, by a person with ordinary skill in the art to which the invention pertain, on the basis of inventions which were described in the following publication distributed or were applicable through an electric communication net in Japan or elsewhere prior to the filing of the patent application.

Reasons 1,2

Claims 1-11

Cited reference 1

Notes

The cited reference 1 substantially discloses "the method for producing thermoplastic resin composition" of claims 1-11 of the present invention.

The cited reference 1 discloses that screw of twin screw extruder has plural kneading zones and anti screw zones at downstream side of each kneading

zones, though does not disclose about performing a stretched flow in the melt kneading. It can say that the melt kneading in the reference 1 substantially causes stretched flow because the resin composition which was melt-kneaded by the screw arrangement with the anti screw zones shows similar properties of the resin composition which is obtained in Examples of the present invention (see Example 1 of the cited reference 1 vs examples 1-4 of the present invention).

The argument of the applicant that the method of the present invention employs a conventional extruder of which L/D is small, is not based on a description of claim because there is no description in claim.
Comparative Example 15 of the present invention is different in screw arrangement from the disclosure of the cited reference 1 because the screw arrangement in the present invention has no anti screw zone.

Cited reference 1: Claims, [0079], [0081] - [0085], Examples and Comparative Examples

Cited Reference List
1. International publication No. 2007/108501

【書類名】特許請求の範囲

【請求項１】

下記（Ｉ）または（ＩＩ）の熱可塑性樹脂組成物を製造する際、押出機により溶融混練し、伸張流動しつつ溶融混練するゾーン（伸張流動ゾーン）の前後での流入効果圧力降下が１００～１０００ｋｇ／ｃｍ^{2}であることを特徴とする熱可塑性樹脂組成物の製造方法。

（Ｉ）熱可塑性樹脂（Ａ）および反応性官能基を有するゴム質重合体（Ｂ）を配合してなる熱可塑性樹脂組成物

（ＩＩ）熱可塑性樹脂（Ａ）、熱可塑性樹脂（Ａ）とは異なる熱可塑性樹脂（Ｃ）および反応性官能基を有する化合物（Ｄ）を配合してなる熱可塑性樹脂組成物

【請求項２】

熱可塑性樹脂組成物を製造する際、押出機により溶融混練し、さらに押出機のスクリューの全長に対する伸張流動しつつ溶融混練するゾーン（伸張流動ゾーン）の合計の長さの割合が、５～６０％であることを特徴とする請求項１記載の熱可塑性樹脂組成物の製造方法。

【請求項３】

押出機のスクリューにおける一つの伸張流動しつつ溶融混練するゾーン（伸張流動ゾーン）の長さをＬｋとし、スクリュー直径をＤとすると、Ｌｋ／Ｄ＝０．２～１０を満たすことを特徴とする請求項２記載の熱可塑性樹脂組成物の製造方法。

【請求項４】

熱可塑性樹脂（Ａ）が、ポリアミド樹脂、ポリエステル樹脂、ポリフェニレンスルフィド樹脂、ポリアセタール樹脂、スチレン系樹脂、ポリフェニレンオキシド樹脂、ポリカーボネート樹脂、ポリ乳酸樹脂、およびポリプロピレン樹脂から選ばれる少なくとも１種であることを特徴とする請求項１～３のいずれか記載の熱可塑性樹脂組成物の製造方法。

【請求項５】

熱可塑性樹脂（Ｃ）が、熱可塑性樹脂（Ａ）とは異なる、ポリアミド樹脂、ポリエステル樹脂、ポリフェニレンスルフィド樹脂、ポリアセタール樹脂、スチレン系樹脂、ポリフェニレンオキシド樹脂、ポリカーボネート樹脂、ポリ乳酸樹脂、およびポリプロピレン樹脂から選ばれる少なくとも１種であることを特徴とする請求項１～４のいずれか記載の熱可塑性樹脂組成物の製造方法。

【請求項６】

反応性官能基を有するゴム質重合体（Ｂ）の反応性官能基が、アミノ基、カルボキシル基、カルボキシル金属塩、エポキシ基、酸無水物基、およびオキサゾリン基から選ばれる少なくとも１種であることを特徴とする請求項１～５のいずれか記載の熱可塑性樹脂組成物の製造方法。

【請求項７】

反応性官能基を有する化合物（Ｄ）の反応性官能基が、アミノ基、カルボキシル基、カルボキシル金属塩、エポキシ基、酸無水物基、およびオキサゾリン基から選ばれる少なくとも１種であることを特徴とする請求項１～６のいずれか記載の熱可塑性樹脂組成物の製造方法。

【請求項８】

熱可塑性樹脂（Ａ）が、ポリアミド樹脂であることを特徴とする請求項１～７のいずれか記載の熱可塑性樹脂組成物の製造方法。

【請求項９】

熱可塑性樹脂組成物が、引張試験において、引張速度Ｖ１、Ｖ２のときの引張弾性率をＥ（Ｖ１）、Ｅ（Ｖ２）とすると、Ｖ１＜Ｖ２のとき、Ｅ（Ｖ１）＞Ｅ（Ｖ２）であることを特徴とする請求項１～８のいずれか記載の熱可塑性樹脂組成物の製造方法。

【請求項１０】

熱可塑性樹脂組成物が、引張試験において、引張速度Ｖ１、Ｖ２のときの引張破断伸度をε（Ｖ１）、ε（Ｖ２）とすると、Ｖ１＜Ｖ２のとき、ε（Ｖ１）＜ε（Ｖ２）であることを特徴とする請求項１～９のいずれか記載の熱可塑性樹脂組成物の製造方法。

Statement of Accuracy

The English translations of (1) the latest JPO office action and (2) the allowed claims are, to be the best of my knowledge, accurate.

Tomonori Iwami

Tomonori Iwami
Toray Intellectual Property Center, Ltd.
President

Date: October - 11 - 2011

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Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

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PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	: DECISION ON REQUEST TO
Sadayuki KOBAYASHI et al.	: PARTICIPATE IN PPH PROGRAM
Application No. 12/934,484	: AND PETITION TO MAKE SPECIAL
Filed: September 24, 2010	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 0599-0274PUS1	:

For: PROCESS FOR PRODUCING THERMOPLASTIC RESIN COMPOSITION

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 12, 2011 to make the above-identified application special.

The petition is **DENIED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO (Japanese Patent Office);

(2) applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

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

(5) applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

Requirements (1) to (3) and (5) to (6) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (4).

Regarding the requirement of condition (4), as examination has begun with the mailing of the non-final Office action mailed December 9, 2011 prior to the instant decision, the request and petition cannot be granted.

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.

Anthony Knight
Director
Office of Petitions

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/934,526	Filing date:	September 24, 2010
First Named Inventor:	Jorge Martinez GARCIA		
Title of the Invention:	Method and System for Testing Wind Turbine Plants		

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/EP09/067272

The international date of the corresponding PCT application(s) is/are: December 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 EPO AND THE USPTO

(continued)

Application No.:	12/934,526
First Named Inventor:	Jorge Martinez GARCIA

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 24, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 24, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
19	1	
20	2	
21	3	
22	4	
23	5	
24	6	
25	7	
26	8	
27	9	
28	9	rewritten to eliminate multiple dependency
29	10	
30	11	
31	11	rewritten to eliminate multiple dependency
32	12	
33	13	
34	14	
35	15	
36	16	
37	17	

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

Signature /Edward M. Weisz/	Date September 28, 2010
Name (Print/Typed) Edward M. Weisz	Registration Number 37,257

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

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

(continued)

Application No.:	12/934,526
First Named Inventor:	Jorge Martinez GARCIA

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 24, 2010

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

☐ Are attached.

☐ Have already been filed in the above-identified U.S. application on September 24, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
38	18	
39	18	rewritten to eliminate multiple dependency

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

Signature /Edward M. Weisz/	Date September 28, 2010
Name (Print/Typed) Edward M. Weisz	Registration Number 37,257

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.
12/934,526	12/16/2010	Jorge Martinez Garcia	2163.050215 (VEST/0038)	7722

13923 7590 10/17/2011
Patterson & Sheridan, LLP/ Vestas
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

EXAMINER
PHAN, HUY Q

ART UNIT	PAPER NUMBER
2858	

MAIL DATE	DELIVERY MODE
10/17/2011	PAPER

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

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

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Patterson & Sheridan, LLP/ Vestas
3040 Post Oak Blvd., Suite 1500
Houston TX 77056

OCT 17 2011

In re Application of
GARCIA et al.
Application No.: 12/934,526
Filed: 16 December 2010
Attorney Docket No.: 2163.050215
(VEST/0038)
For: METHOD AND SYSTEM FOR TESTING WIND TURBINE PLANTS

: 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 28 September 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

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

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

Requirements (1), (3-6) and (8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (2).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the ISA/237. The observation in Box VIII is directed to claim 13 of the PCT claims, US application claim 33 directly corresponds to PCT claim 13 and contains the same wording.

Regarding the requirement of condition (7), applicant has failed to provide copies of the documents cited by the PCT examiner. Specifically, applicant has failed to submit EP 1 764 894 A1, WO 2006/022576 A1, and WO 2007/0132157 A2.

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

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

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

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

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,563	09/24/2010	Katsuhiko Akita	0056258-000061	7962

21839 7590 07/19/2011
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
ZIMMERMAN, MARK K

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
07/19/2011	ELECTRONIC

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

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

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

ADIPFDD@bipc.com
offserv@bipc.com

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	
AKITA et al.	**: DECISION ON REQUEST TO**
Application No.: 12/934,563	**: PARTICIPATE IN THE PATENT**
Filed: 24 September 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 0056258-000061	**: PROGRAM AND PETITION**
For: IMAGE PROCESSING	**: TO MAKE SPECIAL UNDER**
APPARATUS, ENCRYPTED JOB	**: 37 CFR 1.102(a)**
EXECUTION METHOD THEREOF,	
AND RECORDING MEDIUM	

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 16 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

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

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

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

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

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

Lee W. Young
TQAS, Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOYCE VON NATZMER
PEQUIGNOT + MYERS LLC
200 Madison Avenue
Suite 1901
New York NY 10016

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Thomas Klein et al.	:	
Application No. 12/934,578	:	DECISION ON PETITION
Filed: December 20, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 7014-800	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 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 an attorney on behalf of inventor Joachim Dudenhausen 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 3626 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,605	09/24/2010	Hyeon Choi	29137.655.00	8233

30827 7590 01/31/2011
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
01/31/2011	PAPER

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

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

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

In re Application of	:	
CHOI, HYEON et al	:	DECISION ON REQUEST TO
Application No. 12/934,605	:	PARTICIPATE IN PATENT
Filed: Sep. 24, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 29137.655.00	:	PROGRAM AND PETITION
Title: HEATING ELEMENT AND MANUFACTURING METHOD THEREOF	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Jan. 26, 2011, to make the above-identified application special.

The request and petition are granted.

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

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

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

Other inquiries concerning the examination or status of the application should be directed to Tu Hoang, the SPE of Art Unit 3742 and 571-272-4780 for Class 219/552 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,607	09/24/2010	Hyeon Choi	29137.653.00	8268

30827 7590 01/18/2011
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
01/18/2011	PAPER

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

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

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

In re Application of:
CHOI, HYEON et al
Application No.: 12/934,607
Filed: Sep. 24, 2010
Docket: 29137.653.00
Title: HEATING ELEMENT AND MANUFACTURING METHOD THEREOF

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed Jan. 14, 2011 to make the above-identified application special.

The request and petition are **granted.**

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

Other inquiries concerning the examination or status of the application should be directed to Tu Hoang, the SPE of Art Unit 3742 and 571-272-4780 for Class 219/552 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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MAR 28 2011

PCT LEGAL ADMINISTRATION

SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

In re Application of	:	
FUKUI et al.	:	
Application No.: 12/934,609	:	DECISION
Attorney's Docket No.: 10478-8800	:	
PCT No.: PCT/JP2010/000139	:	
Int. Filing Date: 13 January 2010	:	
Priority Date:18 February 2009	:	
For: PLASMA DISPLAY PANEL	:	

This decision is in response to applicants' petition under 37 CFR 1.182 filed 23 February 2011.

BACKGROUND

On 24 September 2010, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter (Form PTO-1390), an unexecuted declaration of inventors, and a copy of an International Search Report (Form PCT/ISA/210). The international application number keyed into EFS-Web was PCT/JP2009/000139. This international application number also appeared in the Transmittal Letter and the declaration of inventors. However, the number appearing on the International Search Report is PCT/JP2010/000139.

On 20 October 2010, the DO/EO/US mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 01 December 2010, applicants filed a response which included a declaration of inventors executing international application number PCT/JP2010/000139.

On 09 February 2011, a Notification was issued indicating that a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the above-stated error regarding the international application number was required.

On 23 February 2011, applicants submitted the instant petition under 37 CFR 1.182.

On 16 March 2011, the DO/EO/US mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 01 December 2010.

DISCUSSION

The petition fee has been paid. A review of the application file including counsel's statements in the instant submission reveals that the present application should in fact be the national stage application of international application **PCT/JP2010/00139**.

As a result of the correction of the international application number, the priority date for the instant application is 18 February 2009. Accordingly, the thirty-month date is 18 August 2011. MPEP § 1893.01 notes that "in the absence of an express request for early processing of an international application under 35 U.S.C. 371(f) and compliance with the conditions provided therein, the U.S. national stage will commence upon expiration of 30 months from the priority date of the international application." Applicants did not include an express request for early processing. Thus, the national stage will not commence until 18 August 2011. Accordingly, the NOTIFICATION OF MISSING REQUIREMENTS mailed 20 October 2011 and the NOTICE OF ACCEPTANCE OF APPLICATION mailed 16 March 2011 are hereby VACATED.

CONCLUSION

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

The NOTIFICATION OF MISSING REQUIREMENTS mailed 20 October 2011 is VACATED.

The NOTICE OF ACCEPTANCE OF APPLICATION mailed 16 March 2011 is VACATED.

This application is being returned to the National Stage Processing Branch of the Office of PCT Operations for holding until the commencement of the national stage (18 August 2011).

/Daniel Stemmer/

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

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

MAILED
NOV 09 2010
PCT LEGAL ADMINISTRATION

In re Application of GIORDANO :
U.S. Application No.: 12/934,618 :
PCT Application No.: PCT/US2007/089157 :
Int. Filing Date: 28 December 2007 : DECISION
Priority Date Claimed: 28 December 2006 :
Attorney Docket No.: 61122/V69 :
For: MULTICOLOR DENTAL BLANKS AND :
RELATED METHODS :

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 on 24 September 2010.

BACKGROUND

On 28 December 2007, applicant filed international application PCT/US2007/089157, which claimed priority of an earlier United States application filed 28 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 10 July 2008. The thirty-month period for paying the basic national fee in the United States expired on 29 June 2009.

On 30 June 2009, international application PCT/US2007/089157 became abandoned as to the United States for failure to timely pay the basic national fee.

On 24 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.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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LIFE TECHNOLOGIES CORPORATION
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS, MN 55402

MAILED

MAR 09 2011

PCT LEGAL ADMINISTRATION

In re Application of BENNETT	:	
U.S. Application No.: 12/934,628	:	
PCT Application No.: PCT/US2009/038431	:	
Int. Filing Date: 26 March 2009	:	DECISION
Priority Date Claimed: 26 March 2008	:	
Attorney Docket No.: IVGN 992 US	:	
For: VIRUS-LIKE PARTICLE MEDIATED	:	
CELLULAR DELIVERY	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 23 December 2010.

BACKGROUND

On 26 March 2009, applicant filed international application PCT/US2009/038431, which claimed priority of an earlier United States application filed 26 March 2008. The thirty-month period for paying the basic national fee in the United States expired on 27 September 2010.

On 24 September 2010, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 September 2010, international application PCT/US2009/038431 became abandoned as to the United States for failure to timely pay the basic national fee.

On 23 December 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in

filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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:	12/934,666	Filing date:	
First Named Inventor:	Christopher Cannizzaro		
Title of the Invention:	SYSTEM AND METHOD FOR MAKING BIOMATERIAL STRUCTURES		

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/US2009/039870

The international date of the corresponding PCT application(s) is/are: April 8, 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).**

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

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

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

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

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

(continued)

Application No.:	12/934,666
First Named Inventor:	Christopher Cannizzaro

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 27, 2010

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

☒ Are attached.

Have already been filed in the above-identified U.S. application on September 27, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-4	1-4	Claims 1-4 in the U.S. & PCT application are identical
27	27	Claim 27 in the U.S. & PCT application is identical

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

Signature	/David S. RESNICK, Reg. No. 34,235/	Date	December 6, 2010
Name (Print/Typed)	David S. RESNICK	Registration Number	34235

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.
12/934,666	12/06/2010	Christopher Cannizzaro	700355-060812-US	9055

50828 7590 03/22/2011
DAVID S. RESNICK
NIXON PEABODY LLP
100 SUMMER STREET
BOSTON, MA 02110-2131

EXAMINER	
ART UNIT	PAPER NUMBER
1715	

MAIL DATE	DELIVERY MODE
03/22/2011	PAPER

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WG

March 22, 2011

In re application of Christopher Cannizzaro et al. Serial No. 12/934,666 Filed: December 6, 2010 For: SYSTEM AND METHOD FOR MAKING BIOMATERIAL STRUCTURES	: : : : : :	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 December 6, 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 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,709	09/27/2010	Hiroto Sukegawa	10490/lh	9275

1933 7590 01/24/2011
HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER

ART UNIT	PAPER NUMBER
3761	

MAIL DATE	DELIVERY MODE
01/24/2011	PAPER

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

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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: SUKEGAWA, HIROTO Serial No.: 12/934,709 Filed: Sep. 27, 2010 Docket: 10490/IH Title: ABSORBING ARTICLE	:: DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Jan. 20, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Tatyana Zalukaeva, SPE of Art Unit 3761 and 571-272-1115 for Class 604/385 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,717	09/27/2010	Satoshi Sakai	OLI-141	9352

32628 7590 01/13/2011
KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER
LAUCHMAN, LAYLA G

ART UNIT	PAPER NUMBER
2877	

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.

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

In re Application of	
SAKAI et al	**: DECISION ON REQUEST TO**
Application No.: 12/934,717	**: PARTICIPATE IN THE PCT PATENT**
Filed: 27 September 2010	**: PROSECUTION HIGHWAY PILOT**
Attorney Docket No.: OLI-141	**: PROGRAM AND PETITION**
For: RESISTIVITY TESTING	**: TO MAKE SPECIAL UNDER**
METHOD AND DEVICE THEREFOR	**: 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 13 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

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

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

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

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

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

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

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KF ROSS PC
5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX NY 10471-0900

MAILED
JUL 22 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
Muhlbauer et al	:	
Application No.: 12/934,721	:	
PCT No.: PCT/EP09/02853	:	
Int. Filing Date: 20 April 2009	:	Decision
Priority Date: 22 April 2008	:	
Attorney's Docket No.: 30094	:	
For: METHOD FOR... UNDERWATER	:	

This decision is in response to the "PETITION UNDER 37 CFR 1.181 and SUPPLEMENTARY PETITION" filed on 18 May 2011 and 06 July 2011 respectively, which is being treated as a petition under 37 CF 1.182 to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/EP2009/002843. Petitioner has been charged the petition fee of $400.00 to Deposit Account No.: 18-2025.

BACKGROUND

In a communication from this Office on 16 May 2011, it indicated that applicant needed to correct the PCT serial number as the ADS and the Electronic Acknowledge Receipt identified different international applications.

On 18 May 2011 and 06 July 2011, petitioner filed petitions under 37 CRF §§ 1.181 and 1.182 requesting first to treat the correction under 37 CFR 1.181 so as to waive the petition $400, and second if the 37 CFR 1.181 petition is dismiss then to treat the petition under 37 CFR 1.182.

Petitioner, also, states that although the incorrect PCT serial number was entered in the EFS system as "PCT//EP2009/002853," the correct PCT serial number was identified on the Application Data System (ADS) and the published WO version with the correct number "PCT/EP2009/002843" was filed with the national stage application.

DISCUSSION

37 CFR 1.181

In this instance, the inconsistencies of the PCT serial numbers are due to petitioner incorrectly inputting the wrong serial number at the time of electronically filing the national stage application.

The mechanism allocated to correct applicants' mistake due to the inconsistency of PCT serial numbers via a petition at the USPTO is under 37 CFR 1.182. As a result, the petition fee of $400.00 is required.

DECISION

For the reason stated above, the petition under 37 CFR 1.181 is **DISMISSED**.

37 CFR 1.182

Petitioner states that the PCT number was incorrectly entered in the EFS system as "PCT/EP2009/002853" rather than the correct number "PCT/EP2009/002843."

Although applicants entered the incorrect PCT serial number at the time of electroni filing the application, the correct serial number **PCT/EP2009/002843** was placed on the ADS and applicants provided the correct copy of the published WO version. Accordingly, there is sufficient evidence that the correct international application PCT number is **PCT/EP2009/002843**.

Petitioner has been charged the petition fee of $400.00 deposit account no.: 18-2025 as indicated in the supplementary petition filed on 06 July 2011.

Therefore, petition to accept the correct PCT number of **PCT/EP2009/002843** for the instant application is granted, and will be reflected in the filing receipt.

DECISION

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,725	09/27/2010	Keiichiro Kobayashi	06226.0090-00000	9408

22852 7590 11/09/2011
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
CREPEAU, JONATHAN

ART UNIT	PAPER NUMBER
1725	

MAIL DATE	DELIVERY MODE
11/09/2011	PAPER

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

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NOV 0 9 2011

CST

In re application of Keiichiro Kobayashi Serial No. 12/934,725 Filed: September 27, 2010 For: WINDING TYPE BATTERY AND METHOD FOR MANUFACTURING THE WINDING TYPE BATTERY	: : : : : : : :	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 13, 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

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:	12/934,738	Filing date:	December 23, 2010
First Named Inventor:	Brian L Desmith		
Title of the Invention:	INTERCHANGEABLE MOLD TOOLING		

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/US2009/038358

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

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

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

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

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

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

(continued)

Application No.:	12/934,738
First Named Inventor:	Brian L. Desmith

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 December 23, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on December 23, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	All the claims are identical

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

Signature /Kevin J. Heinl/	Date April 9, 2011
Name (Print/Typed) Kevin J. Heinl	Registration Number 29805

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.
12/934,738	12/23/2010	Brian L. Desmith	DTCO0102PUSA	9490

22045 7590 05/31/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
JOHNSON, CHRISTINA ANN

ART UNIT	PAPER NUMBER
1742	

MAIL DATE	DELIVERY MODE
05/31/2011	PAPER

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

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

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EL

May 31, 2011

In re application of	:	DECISION ON REQUEST TO
Desmith et al.	:	PARTICIPATE IN PATENT
Serial No. 12/934738	:	PROSECUTION HIGHWAY
Filed: December 23, 2010	:	PROGRAM AND
For: **INTERCHANGEABLE**	:	PETITION TO MAKE SPECIAL
MOLD TOOLING	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed April 09, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the 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 Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

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

/Emily M. Le/

Emily M. Le
Supervisory Patent Examiner
Technology Center 1700

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SOUTHFIELD MI 48075

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of :
DESMITH, Brian L. et al. :
Application No. 12/934,738 : NOTICE UNDER 37 CFR. 1.28(c)
Filed: December 23, 2010 :
Attorney Docket No. DTCO0102PUSA :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

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

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,751	09/27/2010	Masaya Masumoto	87245(47762)	9592

21874 7590 01/10/2011
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER
JONES JR., ROBERT STOCKTON

ART UNIT	PAPER NUMBER
1762	

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

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January 10, 2011 BC

In re application of Masaya Masumoto Serial No. 12/934,751 Filed: September 27, 2010 For: POLYURETHANE ELASTOMER COMPOSITION FOR ELECTROPHOTOGRAPHIC PRINTING AND ELECTROPHOTOGRAPHIC PRINTING MEMBER USING THE SAME	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed September 27, 2010.

The request and petition are **DISMISSED**.

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

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

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

(3) Applicant must:
   a. Ensure all the 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 fail because:
(6) As set forth in the first box of Item I.d.(1) of Applicants' PTO/SB/20JP, the references cited by the JPO examiner in the Record of Prior Art Search were not submitted in an information disclosure statement (IDS) or supplied to the USPTO. As set forth in the JPO-PPH program requirements, the applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action. Applicant must also submit copies of all the documents cited in the JPO office action except U.S. Patent or U.S. Patent Application Publications.

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,751	09/27/2010	Masaya Masumoto	87245(47762)	9592

21874 7590 03/29/2011
EDWARDS ANGELL PALMER & DODGE LLP
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BOSTON, MA 02205

EXAMINER
JONES JR., ROBERT STOCKTON

ART UNIT	PAPER NUMBER
1762	

MAIL DATE	DELIVERY MODE
03/29/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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March 29, 2011 BC

In re application of Masaya Masumoto Serial No. 12/934,751 Filed: September 27, 2010 For: POLYURETHANE ELASTOMER COMPOSITION FOR ELECTROPHOTO-GRAPHIC PRINTING AND ELECTROPHOTO-GRAPHIC PRINTING MEMBER USING THE SAME	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed January 27, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
      Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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00466
YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

MAILED
JUL 19 2011
PCT LEGAL ADMINISTRATION

In re Application of :
PECHNIK, Nicolas :
U.S. Application No.: 12/934,755 :
PCT No.: PCT/FR2009/000333 :
Int. Filing Date: 28 March 2009 :
Priority Date: 28 March 2008 :
Docket No.: 0561-1049 :
For: STRUCTURAL AIRCRAFT PANEL :
MADE OF COMPOSITE MATERIAL :
INCORPORATING PROTECTION :
AGAINST HIGH-ENERGY IMPACTS :

DECISION

This decision is in response to the petition under 37 CFR 1.47(b) submitted on 20 May 2011.

BACKGROUND

On 21 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 indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond with extensions of time available.

On 20 May 2011, the 37 CFR 1.47(b) applicant filed the subject petition which was accompanied by, *inter alia*, a declaration signed on behalf of the nonsigning inventor; a $200.00 petition fee; a five-month extension and $2,350 extension fee; a statement of facts by Christophe Cornuejols; and documentary evidence in support of the statement of facts (exhibits A - H).

DISCUSSION

The 37 CFR 1.47(b) applicant claims that Nicolas PECHNIK cannot be reached and have filed the subject petition in response to the Form PCT/DO/EO/905 mailed 21 October 2010.

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to cooperate or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor,

(4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

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

With regards to item (5), the 37 CFR 1.47(b) applicant submitted a legal memorandum by Gwendal Baraut who reviewed the application and concluded that a French court of competent jurisdiction would award title of the above-captioned application to Airbus Operations. A copy of the Employee Invention Declaration signed by Mr. PECHNIK (with accompanying English translation) was provided along with a copy of Article 611-7 of the French Intellectual Property Code. This satisfies the requirements outlined in MPEP § 409.03(f).

Item (5) of 37 CR 1.47(b) is also complete.

However, item (2) of 37 CFR 1.47(b) is not satisfied. Petitioner submitted a statement of facts by European counsel, Christophe Cornuejols, detailing the efforts used to reach Mr. PECHNIK. These efforts included sending a copy of the application papers, assignment and declaration to the last known address of Mr. PECHNIK on 14 December 2010. No response was received. A second copy of application papers, assignment and declaration were sent to another address on 06 January 2011. No response was received to the second mailing. Another copy of application papers, assignment and declaration were sent to a third address in Paris on 02 May 2011. These papers were returned without delivery. The 37 CFR 1.47(b) applicant also attempted to contact Mr. PECHNIK via email on 22 April 2011; however, this email was undeliverable. The 37 CFR 1.47(b) applicant also attempted to reach Mr. PECHNIK by telephone. This telephone number was obtained through the internet. No response to the 37 CFR 1.47(b) applicant's messages were received.

MPEP § 409.03(d)(I) discussed what evidence is required to show that an inventor cannot be reached, and states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted **that fully describes the exact facts which are relied on to establish that a diligent effort was made** . . .

---

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

> 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. (Emphasis added).

Here, the evidence provided is insufficient to meet the requirements listed in MPEP § 409.03(d)(I). The statement of facts by Mr. Cornuejols notes that patent documents for the above-captioned application were mailed to three different addresses, but does not explain how these addresses were obtained. Counsel states in the petition that this address was found using the internet; however, a statement by a person with first-hand knowledge of this is required.

The 37 CFR 1.47(b) applicant needs to provide a detailed summary of the efforts used to locate Mr. PECHNIK. Such information should include the type and scope of the search. Copies of relevant documents such as internet search pages should also be made of record in any renewed petition. Furthermore, there is no evidence that the 37 CFR 1.47(b) applicant has contacted former co-workers or employers of Mr. PECHNIK to see if anyone knows where he moved, and how to contact him. These efforts are not extraordinary and should be attempted to demonstrate that a diligent effort was made.

For the above-noted deficiencies, item (2) of 37 CFR 1.47(b) is not satisfied.

With regards to item (6) of 37 CFR 1.47(b), petitioner has not made the showing that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage as required by MPEP § 409.03(g).

CONCLUSION

Applicant's petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available.

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

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

00466
YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

MAILED
NOV 02 2011
PCT LEGAL ADMINISTRATION

In re Application of :
PECHNIK, Nicolas :
U.S. Application No.: 12/934,755 :
PCT No.: PCT/FR2009/000333 :
Int. Filing Date: 28 March 2009 :
Priority Date: 28 March 2008 :
Docket No.: 0561-1049 :
For: STRUCTURAL AIRCRAFT PANEL :
MADE OF COMPOSITE MATERIAL :
INCORPORATING PROTECTION :
AGAINST HIGH-ENERGY IMPACTS :

DECISION

This decision is in response to the renewed petition under 37 CFR 1.47(b) submitted on 19 September 2011.

BACKGROUND

On 19 July 2011, a decision dismissing applicant's petition under 37 CFR 1.47(b) was mailed. Applicant was given two months to respond.

On 19 September 2011, applicant filed the subject response which was accompanied by a declaration executed by the sole inventor, Nicolas PECHNIK.

DISCUSSION

In the renewed petition, applicant provided a declaration executed by Nicolas PECHNIK.

A review of the declaration shows that it is in compliance with 37 CFR 1.497(a) and (b). No further action on the petition under 37 CFR 1.47(b) is required.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** as **MOOT**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 28 March 2009, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 19 September 2011.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

MAILED

MAY 16 2011

PCT LEGAL ADMINISTRATION

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:	
KOPCHICK, et al.	:	DECISION ON PETITION
Serial No.: 12/934,807	:	
PCT No.: PCT/US2009/038565	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 27 March 2009	:	
Priority Date: 28 March 2008	:	
Atty Docket No.: OU-7001US1	:	
For: PROTEIN ISOFORMS FOR DIAGNOSIS	:	

This decision is in response to the petition under 37 CFR 1.47(a) filed 06 May 2011 to accept the application without the signature of joint inventor Sudha Sankaran.

BACKGROUND

On 27 March 2009, applicant filed international application PCT/US2009/038565 which claimed priority to a previous application filed 28 March 2008. Pursuant to 37 CFR 1.495 the period for providing payment of the full, U.S. Basic National Fee was set to expire thirty months from the priority date, or midnight 28 September 2010.

On 27 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 27 October 2010, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors was required. Applicant was afforded two months to file a proper response.

On 25 March 2011, applicant responded with an executed combined declaration and power of attorney accompanied by a petition for a three-month extension of time.

On 06 April 2011, applicant was mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) informing applicant that the filed declaration was defective as it did not list nor was signed by the third listed inventor. Applicant was afforded one month or the extendable time remaining from the Form PCT/DO/EO/905 mailed 27 October 2010 to file a proper response.

On 06 May 2011, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

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

As to item 2, the exhibits referenced in applicant's petition were not included in the filing.

Regarding item 4, applicant has provided a declaration executed by the remaining inventors. However, the declaration is not in compliance with 37 CFR 1.497 (a)-(b). Specifically, the declaration filed 25 March 2011 does not list inventor Sankaran as an inventor.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

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AUG 22 2011

PCT LEGAL ADMINISTRATION

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:	
KOPCHICK, et al.	:	DECISION ON PETITION
Serial No.: 12/934,807	:	
PCT No.: PCT/US2009/038565	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 27 March 2009	:	
Priority Date: 28 March 2008	:	
Atty Docket No.: OU-7001US1	:	
For: PROTEIN ISOFORMS FOR DIAGNOSIS	:	

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed 06 July 2011 to accept the application without the signature of joint inventor Sudha Sankaran.

BACKGROUND

On 16 May 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to file any request for reconsideration.

On 06 July 2011, applicant filed the renewed petition under 37 CFR 1.47(a) considered herein.

DISCUSSION

As detailed in the decision mailed 16 May 2011, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1 and 3.

With the filing of the renewed petition and supporting exhibits applicant has satisfied the remaining two items and it is therefore proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 27 March 2009 under 35 U.S.C. 363, and will be given a date of **06 July 2011** under 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4).

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

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

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AUG 22 2011

PCT LEGAL ADMINISTRATION

Ms. Sudha Sankaran
84 Westfield Place
Athens, OH 45701

In re Application of
KOPCHICK, et al.
Serial No.: 12/934,807
PCT No.: PCT/US2009/038565
Int. Filing Date: 27 March 2009
Priority Date: 28 March 2008
Atty Docket No.: OU-7001US1
For: PROTEIN ISOFORMS FOR DIAGNOSIS

Dear Ms. Sankaran:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of Record:
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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APR 22 2011

PCT LEGAL ADMINISTRATION

CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of
ROMAN et al.
Application No.: 12/934,833
PCT No.: PCT/EP08/53511
Int. Filing Date: 25 March 2008
Priority Date: None
Attorney Docket No.: 11887-00023-US
For: PEDICEL SPECIFIC PROMOTER

DECISION ON PETITION

UNDER 37 CFR 1.182

This is a decision on applicant's petition under 37 CFR 1.182 regarding a correction in inventor *Maribel Lopez* 's name to *Maribel Isabel Lopez Roman*, filed in the United States Patent and Trademark Office on 15 February 2011.

On 27 September 2010, applicant requested a filing under 35 U.S.C. 371 accompanied by the basic national fee.

The above referenced published international application identified three inventors; the first inventor was identified as *Maribel Lopez*. With the petition, Inventor Lopez submitted a statement indicating that this is her nickname. The petition under 37 CFR 1.182 requests that the inventor's last name be corrected to *Maribel Isabel Lopez Roman*. The petition fee for a petition under 37 CFR 1.182 is $400 and was paid.

The petition under 37 CFR 1.182 to change the inventor's name to *Maribel Isabel Lopez Roman* is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 15 February 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 08 2010

PCT LEGAL ADMINISTRATION

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of SCHIEL U.S. Application No.: 12/934,847 PCT No.: PCT/EP2007/061760 Int. Filing Date: 31 October 2007 Priority Date: 27 December 2006 Attorney Docket No.: 15407.0325USWO For: APPARATUS FOR HOLDING AN ELECTRICAL MACHINE SUCH THAT IT IS DECOUPLED FROM VIBRATION	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 27 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 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
Office of PCT Legal Administration
Tel: (571) 272-3294

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Novak Druce & Quigg LLP
525 Okeechobee Blvd
Suite 1500
West Palm Beach FL 33401

MAILED

MAR 25 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
Hashimoto et al.	:	
Application No.: 12/934,876	:	
PCT No.: PCT/JP2009/056385	:	
Int. Filing Date: 27 March 2009	:	DECISION
Priority Date: 28 March 2008	:	
Attorney Docket No.: 1625-229	:	
For: Microbial Fuel Cell	:	

This is with regard to correspondence filed on 16 December 2010.

BACKGROUND

This international application was filed on 27 March 2009, designated the United States, and claimed an earliest priority date of 28 March 2008. The International Bureau transmitted a copy of the published international application to the USPTO on 01 October 2009. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 28 September 2010. Applicants timely filed *inter alia* the basic national fee on 27 September 2010.

On 19 October 2010, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was mailed to counsel, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 29 October 2010, applicants filed a response, including a declaration and the surcharge.

On 09 November 2010, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to counsel, indicating the declaration to be defective because "additional inventors is listed on the oath that is not listed on the IA application."

DISCUSSION

Counsel requests acceptance of the declaration because "the inventorship of the International Application was corrected to add co-inventors Mr. Watanabe and Mr. Kato during the international phase. As evidence of this correction, Applicant submits herewith the relevant 'Notification of the Recording of a Change' (Form PCT/IB/306)..." Inspection of the provided copy of Form PCT/IB/306 reveals that the applicants/inventors in question, Watanabe and Kato, were in fact added during the international phase. In view of all of the evidence now of record, it would be appropriate to conclude that the inventive entity nominated in the declaration filed on 29 October 2010 is correct.

DECISION

The declaration filed on 29 October 2010 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **29 October 2010**.

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/934,882	Filing date:	September 27, 2010
First Named Inventor:	Frank GOTTHARDT		
Title of the Invention:	USE OF A MOBILE TELECOMMUNICATION DEVICE AS AN ELECTRONIC HEALTH INSURANCE CARD		

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/EP2009/051818

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

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

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

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

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

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

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

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE 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 _____

(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
28	1	No substantive changes
29	2	No substantive changes
30	3	No substantive changes
31	5	No substantive changes
32	6	No substantive changes
33	8	No substantive changes
34	10	No substantive changes
35	12	No substantive changes
36	13	No substantive changes
37	14	No substantive changes
38	15	No substantive changes
39	16	No substantive changes
40	18	No substantive changes
41	26	No substantive changes
42	27	No substantive changes

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

Signature /Loren T. Smith/	Date 2011-01-05
Name (Print/Typed) Loren T. Smith	Registration Number 60485

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.
12/934,882	01/26/2011	Frank Gotthardt	CGRP008USN	1206

48746 7590 07/01/2011
HULSEY IP INTELLECTUAL PROPERTY LAWYERS, P.C.
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AUSTIN, TX 78701

EXAMINER

ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
07/01/2011	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.

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

In re Application of: Frank GOTTHARDT
Application No. 12934882
Filed: January 26, 2011
For: USE OF A MOBILE TELECOMMUNICATION DEVICE AS AN ELECTRONIC HEALTH INSURANCE CARD

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

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed January 5, 2011, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

Telephone inquiries concerning this decision should be directed to 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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TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

MAILED

NOV 24 2010

PCT LEGAL ADMINISTRATION

In re Application of :
REZAL, Ali, R., et al. :
Application No.: 12/934,930 :
PCT No.: PCT/US2008/065188 :
Int. Filing Date: 30 May 2008 :
Priority Date: 30 May 2007 :
Docket No.: CCF-8566-US-PCT :
For: METHOD FOR TREATING ERECTILE :
DYSFUNCTION :

DECISION

ON PETITION UNDER

37 CFR 1.137(b)

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 27 September 2010 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The fee for filing the search fee, examination fee or oath or declaration after 30 months will be charged to deposit account no. 20-0090, as authorized.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/934,936	Filing date:	September 27, 2010
First Named Inventor:	Jorge Martinez GARCIA		
Title of the Invention:	Method for Setting an Output Voltage Level of a Wind Power Plant		

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/EP2010/051103

The international date of the corresponding PCT application(s) is/are: January 29, 2010

I. List of Required Documents:

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

☑ Is attached

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

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

☐ Is attached.

☑ 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.:	12/934,936
First Named Inventor:	Jorge Martinez GARCIA

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 27, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 27, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
17	1	
18	2	
19	3	
20	4	
21	5	
22	6	
23	7	
24	8	
25	9	
26	10	
27	11	
28	12	
29	13	
30	13	rewritten to eliminate multiple dependency
31	14	
32	15	
33	16	

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

Signature /Edward M. Weisz/	Date September 30, 2010
Name (Print/Typed) Edward M. Weisz	Registration Number 37,257

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/934,936	12/13/2010	Jorge Martinez Garcia	5789-53PUS	1474

13923 7590 07/27/2011
Patterson & Sheridan, LLP/ Vestas
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

EXAMINER
FUREMAN, JARED

ART UNIT	PAPER NUMBER
2836	

MAIL DATE	DELIVERY MODE
07/27/2011	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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Patterson & Sheridan, LLP/ Vestas
3040 Post Oak Blvd., Suite 1500
Houston TX 77056

In re Application of	**: DECISION ON REQUEST TO**
Jorge GARCIA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/934,936	**: PROSECUTION HIGHWAY**
Filed: 13 December 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 5789-53PUS	**: TO MAKE SPECIAL UNDER**
For: METHOD FOR SETTING AN OUTPUT VOLTAGE LEVEL OF A WIND POWER PLANT	**: 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 30 September 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

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

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

Requirements (1), (3) and (5-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (2) and (4).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the ISA/237.

Regarding the requirement of condition (4), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. For example, US claim 17 does not correspond to a PCT claim having novelty, inventive step, and industrial applicability. PCT claim 1 was held to lack novelty.

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

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

Telephone inquiries concerning this decision should be directed to 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.

For:

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

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PCT LEGAL ADMINISTRATION

INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK NC 27709

In re Application of	:	
Dai et al.	:	
Application No.: 12/934,976	:	DECISION
PCT No.: PCT/CN2008/072747	:	
Int. Filing Date: 17 October 2008	:	ON
Priority Date: 12 November 2007	:	
Attorney Docket No.: 4371-118	:	PETITION
For: A Method For Sending The Physical Broadcast Channel In A Time Division Duplex System	:	

The petition to revive under 37 CFR 1.137(b) filed on 27 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 surcharge under 37 CFR 1.492(h) and the processing fee under 37 CFR 1.492(i) are being charged to Deposit Account no. 08-3284, per the authorization included in the Transmittal Letter filed on 27 September 2010.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **27 September 2010**.

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

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MAR 29 2011

PCT LEGAL ADMINISTRATION

AMPACC Law Group, PLLC
6100 219th Street SW, Suite 580
Mountlake Terrace WA 98043

In re Application of	:	
LEE, Jong Soo	:	
Application No.: 12/934,999	:	DECISION
PCT No.: PCT/KR2009/000536	:	
Int. Filing Date: 04 February 2009	:	
Priority Date: 27 March 2008	:	
Attorney's Docket No.: 120WI-005400US	:	
For: RF SWITCHING DEVICE AND	:	
METHOD THEREFOR	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 14 December 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 04 February 2009, applicants filed international application PCT/KR2009/000536, which designated the U.S. and claimed a priority date of 27 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 01 October 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 September 2010.

On 27 September 2010, applicants filed a submission for entry into the national stage in the United States. The submission did not include the U.S. Basic National Fee.

On 18 November 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 within 30 months of the priority date.

On 14 December 2010, applicants filed the instant petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;

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

As to item (1), the basic national fee was submitted on 14 December 2010.

As to item (2), applicants submitted the petition fee on 14 December 2010.

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

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

Declaration of Inventors

The declaration of inventors filed 14 December 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

/Daniel Stemmer/

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

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27045
ERICSSON INC.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

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JUL 19 2011
PCT LEGAL ADMINISTRATION

In re Application of :
SUN *et al* :
U.S. Application No.: 12/935,025 :
PCT No.: PCT/SE2008/050360 :
Int. Filing Date: 28 March 2008 :
Priority Date: None : **DECISION**
Docket No.: P25378-US1 :
PA0008006US;67036356PUS1 :
For: NETWORK DRIVEN L3 CONTROL :
SIGNALLING PRIORITIZATION :

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

BACKGROUND

On 27 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 surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 20 May 2011, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed on behalf of the nonsigning inventors; a $200.00 petition fee; a $130.00 surcharge fee; a five-month extension and $2,350.00 extension fee; a declaration of Pamela Ewing, and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventor, Gunnar PETERS, has "refused to execute the application" and have filed the subject petition in response to the Form PCT/DO/EO/905 mailed 27 October 2010.

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

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

Regarding item (2) of 37 CFR 1.47(a), petitioners claim that Mr. PETERS is refusing to cooperate and provided a declaration by Pamela Kay Ewing who states that she sent a copy of the subject application and a declaration to the last known address of the nonsigning inventor on 24 March 2011. The package was returned as undeliverable. A copy of the cover letter and UPS tracking information was provided. No other attempts were made.

This evidence is not sufficient to satisfy item (2) of 37 CFR 1.47(a).

There is no evidence that Mr. PETERS is refusing to cooperate, or is even aware of the subject application. The UPS tracking information only indicates that the driver could not get into the building of Mr. PETERS to deliver the documents. There is no indication that the driver talked to Mr. PETERS. Mr. PETERS may, or may not even live there.

For a refusal to cooperate, the 37 CFR 1.47(a) applicants' must show that the nonsigning inventor was provided a complete copy of the application, or that he refused delivery. *See* MPEP § 409.03(d)(II). If Mr. PETERS cannot be located, the procedures of MPEP § 409.03(d)(I) must be followed.

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

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required. Extensions of time under 37 CFR 1.136(a) are available.

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

---

[1] Applicants submitted a $200.00 petition fee. The last known address of the nonsigning inventor is listed in the petition. The declaration signed by four of the five named inventors is considered to be a composite declaration. Nonetheless, the declaration is in compliance with 37 CFR 1.497(a) and (b) and meets the requirements of section 409.03(a)(A) of the MPEP. As such, the declaration is acceptable for purposes of entry into the national stage.

Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Plano, TX 75024

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NOV 07 2011
PCT LEGAL ADMINISTRATION

In re Application of
SUN *et al*
U.S. Application No.: 12/935,025
PCT No.: PCT/SE2008/050360
Int. Filing Date: 28 March 2008
Priority Date: None
Docket No.: P25378-US1
For: NETWORK DRIVEN L3 CONTROL SIGNALLING PRIORITIZATION

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed on 19 September 2011.

BACKGROUND

On 19 July 2011, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 19 September 2011, applicants filed the subject response which was accompanied by, *inter alia*, documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventor, Gunnar PETERS, has "refused to execute the application." The initial petition was dismissed as applicants did not provide sufficient evidence demonstrating that Mr. PETERS is refusing to cooperate, or is even aware of the subject application.

In the renewed response, applicants included information that a declaration and assignment were mailed to the last known address of Mr. PETERS on 06 October 2010 (Exhibit A). Mr. PETERS did not return the documents. Applicants also provided information that an email containing a copy of the subject application was sent to Mr. PETER's "last known personal email address" on 08 April 2011 (Exhibit C). There was also no response to this email.

A review of the evidence shows that a copy of the PCT application, a declaration, and an assignment were sent to the last known address for Mr. PETERS on 06 October

2010 (Exh. A). The UPS receipt shows that the documents were signed by the receptionist "Lynn." This is a sufficient showing of delivery.

The lack of a response constitutes a refusal to cooperate as contemplated by MPEP § 409.03(d)(II).

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

CONCLUSION

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

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 28 March 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 20 May 2011.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Gunnar Peters Dalagatan 38A
Stockholm, Sweden
SE-113 24

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PCT LEGAL ADMINISTRATION

In re Application of
SUN *et al*
U.S. Application No.: 12/935,025
PCT No.: PCT/SE2008/050360
Int. Filing Date: 28 March 2008
Priority Date: None
Docket No.: P25378-US1
For: NETWORK DRIVEN L3 CONTROL SIGNALLING PRIORITIZATION

Mr. Peters:

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

ERICSSON INC.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

STATEMENT

I, Motohiro BABA of BABA International Patent Office, 2nd Fl., Ishii Bldg., 25-1, Sugawara-machi, Kawagoe-shi, Saitama, 350-0046, JAPAN hereby state that I am conversant in both the Japanese and English languages and certify to the best of my knowledge and belief that the attached is a true and accurate translation of claims of PCT Application No. PCT/JP2010/002236 as of the date of the latest international work product, a WO/ISA of July 6, 2010.

Signature: Motohiro Baba

Motohiro BABA

Dated: Sep 14, 2010

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

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)* 06. 07. 2010
Applicant's or agent's file reference N00071WO	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/JP2010/002236	International filing date *(day/month/year)* 29. 03. 2010
Applicant NEC Corporation	

1. [X] The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

   Filing of amendments and statement under Article 19:
   The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

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

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

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

   [ ] the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.

   [ ] no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

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

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

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

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

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

Name and mailing address of the ISA/ Japanese Patent Office	Authorized officer
Facsimile No.	Telephone No.

特許協力条約

発信人　日本国特許庁（国際調査機関）

BABA PATENT OFFICE RECEIPT '10.7.07 受付 馬場国際特許事務所

代理人
馬場資博
様

あて名
〒350-0046
日本国埼玉県川越市菅原町２５番地１　石井ビル２階

PCT

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

	発送日（日.月.年）　06. 07. 2010
出願人又は代理人の書類記号　N0007WO	今後の手続きについては、下記１及び４を参照。
国際出願番号　PCT／JP2010／002236	国際出願日（日.月.年）　29. 03. 2010
出願人（氏名又は名称） 日本電気株式会社	

1. ☑ 国際調査報告及び国際調査機関の見解書が作成されたこと、及びこの送付書とともに送付することを、出願人に通知する。
PCT19条の規定に基づく補正書及び説明書の提出
出願人は、国際出願の請求の範囲を補正することができる（PCT規則46参照）。
いつ　補正書の提出期間は、通常国際調査報告の送付の日から２月である。
どこへ　直接次の場所へ　The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: +41 22 338 82 70
詳細な手続については、添付用紙の備考を参照すること。

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

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

4. 今後の手続：　出願人は次の点に注意すること。
優先日から１８月経過後、国際出願は国際事務局によりすみやかに国際公開される。出願人が公開の中止又は延期を望むときは、国際出願又は優先権の主張の取下げの通知がPCT規則90の2.1及び90の2.3にそれぞれ規定されているように、国際公開の事務的な準備が完了する前に国際事務局に到達しなければならない。
出願人は、国際調査機関の見解書に対して、非公式コメントを提出することができる。国際事務局は、国際予備審査報告が作成された場合又は作成される場合を除いて、このコメントをすべての指定官庁に送付する。これらのコメントは公開されるが、優先日から３０月が経過するまでは公開されない。
いくつかの指定官庁については、出願人が国内段階の開始を優先日から３０月まで（官庁によってはさらに遅くまで）延期することを望むときは、優先日から１９月以内に、国際予備審査の請求書が提出されなければならない。そうでなければ、出願人はそれらの指定官庁に対して優先日から２０月以内に、国内段階の開始のための所定の手続を取らなければならない。
その他の指定官庁については、１９月以内に国際予備審査の請求書が提出されない場合にも、３０月の（あるいはさらに遅い）期限が適用される。
様式PCT／IB／301の付属書類を参照。個々の指定官庁で適用される期限の詳細については、PCT出願人の手引、国内段階を参照。

名称及びあて名 日本国特許庁（ISA／JP） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	権限のある職員　SV　9245 特許庁長官 電話番号　03－3581－1101　内線　3571

注　　意

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

2．条約22条（2）に規定する期間に注意してください。

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

4．文献の写しの請求について

国際調査報告に記載した文献の複写

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

〔担当及び照会先〕

〒１００－００１３　東京都千代田区霞が関３丁目４番３号（特許庁庁舎２階）

独立行政法人工業所有権情報・研修館

【公 報 類】　閲覧部　ＴＥＬ　03－3581－1101　内線3811～2

【公報以外】　資料部　ＴＥＬ　03－3581－1101　内線3831～3

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

様式ＰＣＴ／ＩＳＡ／２２０の備考

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

ＰＣＴ19条の規定に基づく補正書の提出に関する指示

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

国際調査機関がＰＣＴ17条(2)の規定により国際調査報告を作成しない旨の決定をしたときは、ＰＣＴ19条の規定により請求の範囲を補正することができないことに、出願人は注意されたい（ＰＣＴ出願人の手引き、国際段階、第296段落参照）。

補正の対象となるもの

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

いつ

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

補正書を提出すべきところ

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

どのように

１以上の請求の範囲の削除、１以上の新たな請求の範囲の追加、又は１以上の請求の範囲の記載の補正による。
すでに提出したすべての請求の範囲を差し替えるための完全な一式の請求の範囲を含む差し替え用紙を提出しなければならない。請求の範囲を削除する場合、その他の請求の範囲の番号を付け直す必要はない。請求の範囲の番号を付け直す場合には、アラビア数字で連続番号で付け直さなければならない（実施細則205号(a)）。
補正は国際公開の言語で行う。

補正書にどのような書類を添付しなければならないか

書簡（ＰＣＴ実施細則第205号(b)）

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

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

次に、添付する書簡中での、補正についての説明の例を示す。

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

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

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

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

“ＰＣＴ19条(1)の規定に基づく説明書”（ＰＣＴ規則46.4）

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

説明書は、国際出願及び補正された請求の範囲とともに公開される。

説明書は、国際公開の言語で作成しなければならない。

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

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

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

国際予備審査の請求書が提出されている場合

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

国際予備審査の請求がされた場合は、国際予備審査機関が国際調査機関としては行動しておらず、ＰＣＴ規則66.1の2(b)の規定による国際事務局への通告がなされているという特定の場合を除いて、国際調査機関の見解書は国際予備審査機関の見解書とみなされる。国際予備審査の請求がされると、様式ＰＣＴ／ＩＳＡ２２０の送付日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる（ＰＣＴ規則43の2.1(c)）。

国内段階に移行するための国際出願の翻訳に関して

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

指定官庁／選択官庁の詳細な要求については、ＰＣＴ出願人の手引きの国内段階を参照。

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:	12/935,032	Filing date:	September 28, 2010
First Named Inventor:	JUN TAKADA		
Title of the Invention:	METHOD AND APPARATUS FOR ENCODING AND DECODING BY WAVELET TRANSFORM		

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/JP2010/002236

The international date of the corresponding PCT application(s) is/are: March 29, 2010

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

☐ 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.:	12/935,032
First Named Inventor	JUN TAKADA

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on 12/935,032

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 12/935,032

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-5	1-5	Both are the same, respectively.
6	6	Both are the same except claims to refer to.
7	7	Both are the same.
8	8	Both are the same except claims to refer to.
9-11	9-11	Both are the same, respectively.
12	12	Both are the same except claims to refer to.
13	13	Both are the same except a typographical error.
14-19	14-19	Both are the same, respectively.
20	20	Both are the same except claims to refer to.
21	21	Both are the same except a typographical error.
22	22	Both are the same.
23	23	Both are the same except claims to refer to.
24-25	24-25	Both are the same, respectively.
26	26	Both are the same except a typographical error.
27	27	Both are the same.

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

Signature /Jackson Chen/	Date October 4, 2010
Name (Print/Typed) Jackson Chen	Registration Number 36,104

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.
12/935,032	09/28/2010	Jun Takada	J-10-0472	1286

71799 7590 07/01/2011
Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER

ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
07/01/2011	ELECTRONIC

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of: JUN TAKADA
Application No. 12935032
Filed: September 28, 2010
For: METHOD AND APPARATUS FOR ENCODING AND DECODING BY WAVELET TRANSFORM

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

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 4, 2010, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER

which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

Accordingly, the Petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Kim Huynh at 571-272-4147.

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

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

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist,
Technology Center 2400

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Commissioner for Patents
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FEB 10 2011

PCT LEGAL ADMINISTRATION

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of
FURUKAWA et al.
Application No.: 12/935,043
PCT No.: PCT/JP09/56541
Int. Filing Date: 30 March 2009
Priority Date: 31 March 2008
Attorney Docket No.:1012777-000115
For: ULTRAVIOLET ABSORBENT COMPOSITIONS

DECISION ON DECLARATION

This is a decision on applicant's submission of the declaration filed on 01 December 2010 in the United States Patent and Trademark Office (USPTO).

On 28 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and an executed declaration. On 25 October 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an executed oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required. Specifically, applicant's attention was drawn to the discrepancy in the third inventor's name.

On 01 December 2010, in response to the 905, applicant submitted a copy of the previously submitted executed declaration and the surcharge for filing the declaration after the thirty month period. A review of the declaration indicates that there is the discrepancy between the name of the inventor indicated in the international application during the international phase (**Yoichiro** Yakeshima) and the name of the inventor as it appears in the oath or declaration (**Youichiro** Takeshima) submitted under 37 CFR 1.497. If this is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 is not required. In such case, the Office should simply be notified of the error. A new declaration is not required. *See* MPEP 1893.01(e).

Applicant is required to correct the above-noted defects within ONE (1) MONTH from the mail date of this Decision or the time remaining under the Notification of Missing Requirements.

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

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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APR 12 2011

PCT LEGAL ADMINISTRATION

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of
FURUKAWA et al.
Application No.: 12/935,043
PCT No.: PCT/JP09/56541
Int. Filing Date: 30 March 2009
Priority Date: 31 March 2008
Attorney Docket No.:1012777-000115
For: ULTRAVIOLET ABSORBENT COMPOSITIONS

DECISION ON

DECLARATION

This is a decision on applicant's explanation of error in the third inventor's name filed on 22 February 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 28 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and an executed declaration. On 25 October 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an executed oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required. Specifically, applicant's attention was drawn to the discrepancy in the third inventor's name.

On 01 December 2010, in response to the 905, applicant submitted a copy of the previously submitted executed declaration and the surcharge for filing the declaration after the thirty month period without further explanation. On 10 February 2011, the USPTO mailed a notification of the discrepancy in the declaration to applicant. A review of the declaration indicated that there was the discrepancy between the name of the inventor indicated in the international application during the international phase (**Yoichiro** Yakeshima) and the name of the inventor as it appears in the oath or declaration (**Youichiro** Takeshima) submitted under 37 CFR 1.497.

DISCUSSION

In his instant response, applicant explains that the correct inventor's name is Youichiro Takeshima as indicated in the declaration filed, rather than as incorrectly indicated in the international application and was the result of a transliteration error. Applicant's explanation of the correction of inventor **Youichiro Takeshima**'s name is accepted and noted for the record.

A new declaration is not required. *See* MPEP 1893.01(e). The declaration submitted on 28 September 2010 is acceptable and in compliance with 37 CFR 1.497(a) and (b).

It is noted that the declaration was submitted within the thirty month period and hence, the surcharge for filing the declaration after that period is not required. The surcharge will be refunded to applicant's credit card account.

CONCLUSION

The declaration submitted on 28 September 2010 is acceptable and in compliance with 37 CFR 1.497(a) and (b).

The $130 surcharge for filing the declaration after the thirty month period will be refunded to applicant's credit card account.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 28 September 2010.

/Cynthia M. Kratz/
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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

JUN 30 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
LIN, et al.	:	
U.S. Application No.: 12/935,077	:	DECISION ON PAPERS
PCT No.: PCT/US2009/001915	:	
Int. Filing Date: 26 March 2009	:	UNDER 37 CFR 1.42
Priority Date: 28 March 2008	:	
Attorney's Docket No.: S1658.70000US01	:	
For: TREATMENT OF BRAIN DAMAGE USING	:	
UMBILICAL CORD BLOOD CELLS	:	

This decision is in response to applicant's declaration filed 19 May 2011. The response is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 23 April 2009, applicant filed the above-referenced international application, which claimed a priority date of 24 April 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 28 September 2010.

On 28 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee.

On 19 October 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 19 May 2011, applicant filed the declaration discussed herein accompanied by a petition for a five-month extension of time and payment of the extension of time fee. The response is timely filed.

Application No.: 12/935,077

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

An examination of the filed declaration and power of attorney finds that the document lists the post office, residence and citizenship for both the deceased joint inventor Hung Li and the legal representative to the estate, Hsiu-Mei Hsieh. In addition, this information has been provided for the additional inventors listed on the published international application. The declaration has been executed by the legal representative and the additional listed inventors. As such, the declaration is in compliance with 37 CFR 1.497(a)-(b).

In light of the above, it is proper to grant applicant's request at this time.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 26 March 2009 and will be given a date of **19 May 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

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JAN 11 2011

PCT LEGAL ADMINISTRATION

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

In re Application of MANOHARAN et al. Application No.: 12/935,083 PCT No.: PCT/US09/38433 Int. Filing Date: 26 March 2009 Priority Date: 26 March 2008 Attorney Docket No.: 051058-011000 For: 2' -F MODIFIED RNA INTERFERENCE AGENTS	DECISION on PETITION UNDER 37 CFR 1.137(b)

This is a decision on applicant's Petition to Revive Unintentionally Abandoned Application under 37 CFR 1.137(b) in the above-identified application, filed in the United States Patent and Trademark Office on 02 November 2010.

On 28 September 2010, within the thirty month period, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) concerning a filing Under 35 U.S.C. 371 (PTO-1390).

Thereafter on 26 October 2010, a Notification of Abandonment was mailed to applicant indicating that a copy of the international application was not provided by the expiration of the thirty month period or by 26 September 2010. The request for National stage entry for the above referenced PCT international application was filed after the thirty month date of 26 September 2010 or on 28 September 2010. In accord with 35 U.S.C. 371(c) and 37 CFR 1.495, the international application PCT/US09/3833 was considered abandoned as to the U.S. national stage.

The petition to revive under 37 CFR 1.137(b) filed 02 November 2010 in the above captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay, from the lapse of PCT Application PCT/US09/38344 to the filing of U.S. application No. 12/935,083 to the filing of this petition, was unintentional" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

Applicant paid the basic national fee ($330) and the petition fee ($1620). 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 referred to the National Stage Processing Branch of the Office of PCT Operations for further processing including issuance of a Notification of Missing Requirements indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor

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JUL 20 2011
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Application of	:	DECISION ON
KINOSHITA et al	:	
Application No.: 12/935,091	:	
PCT No.: PCT/IB2009/005070	:	
Int. Filing Date: 26 March 2009	:	PETITION UNDER
Priority Date: 28 March 2008	:	
Attorney Docket No.: KINO3003/REF	:	
For: HAIR-GROWTH ADJUSTING LIGHT	:	
EMITTING DEVICE	:	37 CFR 1.182

This decision is in response to petitioner's "PETITION TO ACCEPT CHANGE OF NAME UNDER 37 CFR 1.182" filed on 30 March 2011, which is being treated as a petition under 37 CFR 1.182. The petition fee of $400.00 has not been provided.

BACKGROUND

On 28 September 2010, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicants, however, did not provide an executed oath or declaration as required under 35 U.S.C. 371(c)(4).

On 16 March 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. It also stated that items set forth above must be submitted within two months from date of mailing or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment.

On 30 March 2011, petitioner filed the instant petition, explaining the name changes from Masako MISAWA (maiden name) international application to Masaka YAMASAKI (married name) on the declaration and Kaori NAGANUMA from the international application to Kaori SUZUKI on the declaration.

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee of $400.00 has not bee provided as it neither has been paid nor authorized in the petition even though the petition indicates otherwise.

With respect to item (2), affidavits has been provided signed under Masako YAMASAKI and Kaori NAGANUMA and Kaori SUZUKI that set forth the procedures whereby the change of names was effected from Masako MISAWA (maiden name) to Masaka YAMASAKI (married name) and Kaori NAGANUMA (maiden name) to Kaori SUZUKI married name) and have signed the affidavits under both names. Therefore, item (2) has been satisfied.

For the reasons above, the application may not enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

A proper response to the Notice 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 1.182." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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BACON & THOMAS, PLLC
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ALEXANDRIA VA 22314-1176

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NOV 09 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
KINOSHITA et al	:	
Application No.: 12/935,091	:	
PCT No.: PCT/IB2009/005070	:	
Int. Filing Date: 26 March 2009	:	PETITION UNDER
Priority Date: 28 March 2008	:	
Attorney Docket No.: KINO3003/REF	:	
For: HAIR-GROWTH ADJUSTING LIGHT	:	
EMITTING DEVICE	:	37 CFR 1.182

This decision is in response to applicants' "Response to Decision on Petition Under 37 CFR 1.182" filed on 19 September 2011.

BACKGROUND

In a decision from this Office on 20 July 2011, the decision indicated that the application could not enter into national stage at that time because item (1) under MPEP §605.04(c) was not met.

On 19 September 2011, this renewed petition was filed that included the appropriate payment of $400 for the petition fee under 37 CFR 1.182.

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the proper petition fee has now been paid.

With respect to item (2), affidavits has been provided signed under Masako YAMASAKI and Kaori NAGANUMA and Kaori SUZUKI that set forth the procedures whereby the change of names was effected from Masako MISAWA (maiden name) to Masaka YAMASAKI (married name) and Kaori NAGANUMA (maiden name) to Kaori SUZUKI married name) and have signed the affidavits under both names. Therefore, item (2) has been satisfied.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

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

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

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

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NOV 16 2010
PCT LEGAL ADMINISTRATION

In re Application of THIEMERT, STEFAN Application No.: 12/935,148 PCT No.: PCT/IB2009/005407 Int. Filing Date: 28 February 2009 Priority Date: 28 February 2008 ATTY Docket No.: 087763-0138 For: FRAME SEQUENCE COMPARISON IN MULTIMEDIA STREAMS	PETITION UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF APPLICATION FOR PATENT ABANDONED UNINTIONALLY UNDER 37 C.F.R. 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 28 September 2010.

BACKGROUND

Applicant filed international application, PCT/IB2009/005407, on 28 February 2009. The international application became abandoned at midnight on 30 August 2010 based on applicant's failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.

On 28 September 2010, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required

reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the $810 petition fee has been charged to applicant's credit card as authorized.

Regarding item (3), the petition includes a statement that "the entire delay in filing application, from the 30 month national stage deadline until the filing of this petition, was unintentional" satisfies the requirement.

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**.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision, including the mailing of an appropriate Notification of Missing Requirements (Form PCT/DO/EO/905) for the missing oath or declaration.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/935,212	09/28/2010	Zhengyan Cai	6075-0101PUS1	2442

2292 7590 01/09/2012
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
ROZOF, TIMOTHY R

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
01/09/2012	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 09 2012

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

In re Application of:	
Cai et al.	PETITION DECISION
Serial No.: 12/935,212	
Filed: September 28, 2010	
Attorney Docket No.: **6075-0101PUS1**	

This is in response to the petition under 37 CFR § 1.59(b), filed December 27, 2011, to expunge information from the above identified application.

Petitioner requests that the "Reply under 37 C.F.R. § 1.116 filed on December 22, 2011, be expunged from the application file. The December 22, 2011, version of the Reply was an incomplete draft Reply and had not been reviewed or finalized by the Applicants for submission. The December 22, 2011, response was inadvertently submitted by Applicants' representative and the correct finalized version of the Reply was filed on December 23, 2011. The information contained in the December 22, 2011, draft Reply is proprietary material, which is an attorney work product and is a privileged and confidential communication between the Applicants and their counsel, and was erroneously submitted on December 22, 2011".

Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

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OCT 26 2011

PCT LEGAL ADMINISTRATION

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

In re Application of :
CUMBERLIDGE, et al. :
U.S. Application No.: 12/935,217 : DECISION
PCT No.: PCT/US2009/002121 :
International Filing Date: 03 April 2009 :
Priority Date: 04 April 2008 :
Attorney's Docket No.: 3957.1000-003 :
For: BETA-TURN PEPTIDOMIMETIC CYCLIC :
COMPOUNDS FOR TREATING DRY EYE :

This decision is issued in response applicant's request for refund filed 20 December 2010 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

On 28 September 2010, applicant initiated the present national stage application. Among the materials submitted by applicants was the authorization to charge Deposit Account No. 08-0380 all necessary fees. Applicant did not claim small entity status upon filing.

On 20 December 2010, applicant filed the refund request considered herein. This submission includes a copy of a verified statement claiming small entity status.

37 CFR 1.26 permits an applicant who has mistakenly paid an excess fee to seek a refund for such payment. Where an applicant has paid a full fee and subsequently seeks a refund based on small entity status, 37 CFR 1.28(a) states that the refund request and the assertion of small entity status must be must be made within **three months** of the payment of the full fee.

In the present case, applicant has made the refund request and assertion of small entity status within the required three month time period. As such, it is proper to grant applicant's request for refund and the request is **GRANTED**.

This application is being returned to Group Art Unit 1654 for continued examination.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

Docket No. 367808US0PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Atsushi TAKAHASHI, et al.

SERIAL NO: PCT/JP09/63588 (12/935,230) EXAMINER:

FILED: July 30, 2009 GROUP ART UNIT:

FOR: COMPOSITION FOR ORGANIC ELECTROLUMINESCENT ELEMENT, ORGANIC THIN FILM, ORGANIC ELECTROLUMINESCENT ELEMENT, ORGANIC EL DISPLAY DEVICE, AND ORGANIC EL LIGHTING

PETITION UNDER 37 C.F.R. § 1.102

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Special status under the Project Exchange/Patent Application Backlog Reduction Stimulus Plan is sought for the above-identified application. U.S. Patent Application No. 12/299,018 has been expressly abandoned as required. A copy of the express abandonment filed in U.S. Patent Application No. 12/299,018 is submitted herewith.

The expressly abandoned application and the instant application are held by the same assignee Mitsubishi Chemical Corporation.

Applicants have not filed petitions in more than fourteen other applications requesting special status under this program.

Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

In view of the foregoing, Applicants respectfully request that this petition be granted and that this application be made special.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard L. Treanor
Registration No. 36,379

Jacob A. Doughty
Registration No. 46,671

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 08/10)

Attachment:
Copy of Express Abandonment filed in U.S. Patent Application No. 12/299,018

COPY

OBLON SPIVAK

Docket No.: 334119US2PCT

ATTORNEYS AT LAW

RICHARD D. KELLY
(703) 412-6241
RKELLY@OBLON.COM

JACOB A. DOUGHTY
(703) 413-3000
JDOUGHTY@OBLON.COM

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 12/299,018
Applicants: Hideyoshi HORIE
Filing Date: October 30, 2008
For: ETCHING METHOD, ETCHING MASK AND METHOD FOR MANUFACTURING SEMICONDUCTOR DEVICE USING THE SAME
Group Art Unit: 2811
Examiner: VU, HUNG K.

SIR:

Attached hereto for filing are the following papers:

EXPRESS ABANDONMENT UNDER 37 CFR 1.138(a)

Credit card payment is being made online (if electronically filed), or is attached hereto (if paper filed), in the amount of **$0.00** to cover any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. **15-0030**. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard D. Kelly
Registration No. 27,757

Jacob A. Doughty
Registration No. 46,671

Customer Number
22850
(703) 413-3000 (phone)
(703) 413-2220 (fax)
(OSMMN 10/09)

COPY

Docket No. 334119US2PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Hideyoshi HORIE

SERIAL NO: 12/299,018 EXAMINER: VU, HUNG K.

FILED: October 30, 2008 GROUP ART UNIT: 2811

FOR: ETCHING METHOD, ETCHING MASK AND METHOD FOR MANUFACTURING SEMICONDUCTOR DEVICE USING THE SAME

EXPRESS ABANDONMENT UNDER 37 CFR 1.138(a)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant requests that the above-identified application be expressly abandoned as of the filing date of this paper.

Applicant has not and will not file an application that claims the benefit of this application under any provision of title 35, United States Code.

Applicant has not and will not file a new application that claims the same invention claimed in the instant application.

Applicant agrees not to request a refund of any fees paid in this application.

A petition under 37 CFR 1.102 will be filed in application serial number PCT/JP2009/063588 in which special status is sought by abandonment of the instant application under the Application Backlog Reduction Stimulus Plan.

The instant application and the application for which special status is being sought under the Application Backlog Reduction Stimulus Plan are held by the same assignee Mitsubishi Chemical Corporation.

COPY

Applicant has not received special status for more than fourteen (14) other applications under this program.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard D. Kelly
Registration No. 27,757

Jacob A. Doughty
Registration No. 46,671

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 08/10)

Electronic Acknowledgement Receipt

EFS ID:	8474030
Application Number:	12299018
International Application Number:	
Confirmation Number:	3842
Title of Invention:	COPY ETCHING METHOD, ETCHING MASK AND METHOD FOR MANUFACTURING SEMICONDUCTOR DEVICE USING THE SAME
First Named Inventor/Applicant Name:	Hideyoshi Horie
Customer Number:	22850
Filer:	Marvin Jay Spivak/Michelle Munday
Filer Authorized By:	Marvin Jay Spivak
Attorney Docket Number:	334119US2PCT
Receipt Date:	22-SEP-2010
Filing Date:	30-OCT-2008
Time Stamp:	15:45:49
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		334119USABANDON.PDF	93177 7f5a615a8e712d50f0ba4c72a468fb8d3830 4ff0	yes	3

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Miscellaneous Incoming Letter	1	1
	Letter Express Abandonment of the application	2	3

Warnings:

Information:

Total Files Size (in bytes):	93177

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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

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OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
TAKAHASHI :
Application No. 12/935,230 :
35 USC 371(c) Date: Not Yet Accorded :
Int. Appl. No. PCT/JP09/63588 :
Int. File Date: July 30, 2009 :
Attorney Docket No. **367808US0PCT** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed September 28, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

During continued pre-examination processing all other inquiries concerning this application should be directed to the United States Designated/Elected Office (DO/EO/US) or the Office of Patent Application Processing. Thereafter, all inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further pre-examination processing and for processing commensurate with this decision.

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

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MAR 16 2011

PCT LEGAL ADMINISTRATION

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of: KASKE, Stephan, et al.	:	
U.S. Application No.: 12/935,234	:	DECISION
PCT No.: PCT/EP2008/066341	:	(37 CFR 1.42)
International Filing Date: 27 November 2008	:	
Priority Date: 31 March 2008	:	
Attorney's Docket No.: 10191/6654	:	
For: STARTING DEVICE	:	

This decision is issued in response to applicants' submission on 13 January 2011 of a declaration executed on behalf of deceased co-inventor Walter GERSCHWITZ by his heir and legal representative, considered herein as a submission under 37 CFR 1.42.

BACKGROUND

On 27 November 2008, applicants filed international application PCT/EP2008/066341. The international application claimed a priority date of 31 March 2008, and it designated the United States. On 08 October 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 September 2010.

On 28 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 13 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an English translation of the international application, an oath or declaration in compliance with 37 CFR 1.497, and the processing fee and surcharge required for filing these materials later than thirty months after the priority date.

On 13 January 2011, applicants filed a response to the Notification Of Missing Requirements (with required one-month extension fee). The response included an English translation of the international application, payment of the required processing fee and surcharge, and a declaration executed by the two surviving inventors and by the heir and legal representative of the deceased third inventor. The declaration is considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states the following:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representatives must be identified on the declaration, as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497. Here, the declaration filed 13 January 2011 includes the required citizenship, residence, and mailing address information for the person signing the declaration on behalf of the deceased inventor, Gerlinde GERSCHWITZ, as well as the required citizenship of the deceased inventor, Walter GERSCHWITZ. The declaration also states the relationship of the person signing to the deceased inventor (i.e., "heir and legal representative"). The declaration therefore includes all information required under 37 CFR 1.497(b)(2).

CONCLUSION

Applicant's request for status under 37 CFR 1.42 with respect to deceased inventor Walter GERSCHWITZ is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 13 January 2011.

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 23 2011

PCT LEGAL ADMINISTRATION

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

In re Application of
KONO et al.
Application No.: 12/935,313
PCT No.: PCT/JP09/56763
Int. Filing Date: 25 March 2009
Priority Date: 01 April 2008
Attorney Docket No.:
For: SOLID-STATE IMAGE SENSOR WITH REDUCED BLOOMING AND COLOR MIXING

DECISION ON DECLARATION

This is a decision on applicant's response to Notification of Missing Requirements filed on 09 November 2010 in the United States Patent and Trademark Office (USPTO).

On 29 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and an executed declaration. On 26 October 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an executed declaration, in compliance with 37 CFR 1.497(a) and (b), was required. Specifically, applicant's attention was drawn to the discrepancy in the first inventor's name.

On 09 November 2010, in response to the 905, applicant submitted an explanation of the discrepancy in the first inventor's name.

Where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 is not required. In such case, the Office should simply be notified of the error. A new declaration is not required. *See* MPEP 1893.01(e). Applicant notified the Office that the correct inventor's name is **Shoji Kono** as indicated in the declaration filed, rather than **Shouji Kouno**, as incorrectly indicated in the international application as the result of a transliteration error. Applicant's explanation of the correction of inventor **Shoji Kono**'s name is accepted and noted for the record. The declaration, submitted on 29 September 2010, is acceptable and meets the requirements of 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 09 November 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

Modified PTO/SB/20PCT-JP (01-2010)
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.:	12/935,358	Filing Date:	September 29, 2010
First Named Inventor:	Shigekiyo FUJII et al.	Attorney Docket No.:	2010_1337A
Title of the Invention:	HEARING AID AND METHOD OF CONTROLLING VOLUME OF HEARING AID (AS AMENDED)		

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 is: **PCT/JP2010/001014**

The international date of the corresponding PCT application is: **February 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).

[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.

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.
[X] Has already been filed in the above-identified U.S. application on September 29, 2010.

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

[ ] Are attached.
[X] Have already been filed in the above-identified U.S. application on September 29, 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.

Modified PTO/SB/20PCT-JP (01-2010)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/935,358
First Named Inventor:	Shigekiyo FUJII et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	
2	2	
3	3	
4	4	
5	5	
6	6	
7	7	

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

Signature /Jeffrey R. Filipek/ 2010.09.29 16:26:20 -04'00'	Date: September 29, 2010
Name: (Print/Type) Jeffrey R. Filipek	Registration No. 41,471

7d

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
SHINJYU GLOBAL IP
South Forest Bldg., 1-4-19,
Minamimori-machi, Kita-ku,
Osaka-shi, Osaka
5300054

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	May 18, 2010 (18.05.2010)
Applicant's or agent's file reference P055452PO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/001014	February 17, 2010 (17.02.2010)	February 19, 2009 (19.02.2009)

International Patent Classification (IPC) or both national classification and IPC
Int.Cl. H04R25/00(2006.01)i

Applicant
PANASONIC CORPORATION

1. This opinion contains indications relating to the following items:

- [✓] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [✓] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA/ Japanese Patent Office (ISA/JP) 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 1008915 Facsimile No.	Date of completion of this opinion May 11, 2010 (11.05.2010)	Authorized officer Yuji Takeda Telephone No. 03-3581-1101 extension 3541

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/001014

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. (type of material)
   - [ ] a sequence listing
   - [ ] table(s) related to the sequence listing

   b. (means)
   - [ ] on paper
   - [ ] in electronic form

   c. (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/JP2010/001014

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	1-7	YES
	Claims		NO
Inventive step (IS)	Claims	1-7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations:

Citation 1: JP 2007-142701 A (Matsushita Electric Industrial Co., Ltd.),
07 June, 2007 (07.06.2007),
entire text; all drawings
(Family: none)

Citation 2: JP 05-130698 A (Matsushita Electric Industrial Co., Ltd.) ,
25 May, 1993 (25.05.1993),
entire text; all drawings
(Family: none)

Citation 3: Microfilm of the specification and drawings annexed to the request of
Japanese Utility Model Application No. 067163/1980
(Laid-open No. 169700/1981)
(Sony Corp.),
16 May 1981 (16.05.1981),
entire text; all drawings
(Family: none)

The invention according to any one of claims 1 to 7 is not disclosed by any of the Citations 1-3 listed in the International Search Report and is not obvious to the person skilled in the art.

Further, the invention has an inventive step over all the Citations listed in the International Search Report.

None of the Citations 1 to 3 discloses such a structure that "detects the resistance value of the variable resistor of the first volume adjuster, determines whether or not the resistance value has exceeded a specific threshold, and when the resistance value has exceeded the specific threshold, acquires a specific value for the degree of amplification by the amplifier and sets the degree of amplification by the amplifier to the specific value."

7e

特許協力条約

発信人　日本国特許庁（国際調査機関）

受領
RECEIVED
MAY 19 2010
SHINJYU
JAPAN

代理人
新樹グローバル・アイピー特許業務法人
様

あて名
〒530-0054
日本国大阪府大阪市北区南森町１丁目４番１９号
サウスホレストビル

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)　１８．０５．２０１０	
出願人又は代理人 の書類記号　P055452P0	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／ＪＰ２０１０／００１０１４	国際出願日 (日.月.年)　１７．０２．２０１０
優先日 (日.月.年)　１９．０２．２００９	
国際特許分類（ＩＰＣ）Int.Cl. H04R25/00(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 １１．０５．２０１０	
名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員）　５Ｚ　８９４７ 武田　裕司 電話番号　０３－３５８１－１１０１　内線　３５４１

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／ＪＰ２０１０／００１０１４

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／JP2010／001014

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性（N）	請求項	1－7	有
	請求項		無
進歩性（IS）	請求項	1－7	有
	請求項		無
産業上の利用可能性（IA）	請求項	1－7	有
	請求項		無

2. 文献及び説明

文献１：JP 2007-142701 A（松下電器産業株式会社）2007.06.07，全文，全図（ファミリーなし）

文献２：JP 05-130698 A（松下電器産業株式会社）1993.05.25，全文，全図（ファミリーなし）

文献３：日本国実用新案登録出願 55-067163 号（日本国実用新案登録出願公開 56-169700 号）の願書に添付した明細書及び図面の内容を撮影したマイクロフィルム（ソニー株式会社）1981.05.16，全文，全図（ファミリーなし）

請求項１－７に係る発明は、国際調査報告に引用された文献１－３のいずれにも記載されておらず、当業者にとって自明なものでもない。
また、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。
文献１－３のいずれにも、「前記第１の音量調整部の前記可変抵抗器の抵抗値を検知し、前記抵抗値が所定の閾値を超えたかどうかを判定し、前記抵抗値が前記所定の閾値を超えたと判定した場合は、前記増幅部による増幅度の所定値を所得し、前記増幅部による増幅度を、前記所定値に設定する」という構成が記載されていない。

Statement of Translation

I hereby declare and state:

that I am thoroughly conversant in both the Japanese language and the English language;

that I am capable of performing translation from the Japanese language into English language; and

that the attached document represents a true and complete English translation of all claims which were indicated as having novelty, inventive and industrial applicability in the PCT Application No. PCT/JP2010/001014 .

Signed this 17 th day of September , 2010.

Izumi HARADA

All claims which were indicated as having novelty, inventive step and industrial applicability

CLAIMS

1. A hearing aid, comprising:

a main body case;

a microphone disposed inside the main body case and configured to convert sound into an electrical signal;

a processor disposed inside the main body case;

a first volume adjuster having a variable resistor and a control component disposed so as to be exposed on the outside of the main body case and configured to set a resistance value of the variable resistor; and

a receiver configured to convert the electrical signal into sound,

wherein the processor has:

an amplifier configured to amplify the electrical signal from the microphone;

a second volume adjuster configured to set a degree of amplification by the amplifier according to the resistance value of the variable resistor of the first volume adjuster; and

a controller configured to control the amplifier and the second volume adjuster, and the controller:

detects the resistance value of the variable resistor of the first volume adjuster,

determines whether or not the resistance value has exceeded a specific threshold, and

when the resistance value has exceeded the specific threshold, acquires a specific value for the degree of amplification by the amplifier and sets the degree of amplification by the amplifier to the specific value.

2. The hearing aid according to Claim 1,

wherein the second volume adjuster sets an upper limit to the degree of amplification by the amplifier, and sets the degree of amplification by the amplifier to within a range that is not higher than the upper limit, and

when the controller determines that the resistance value has exceeded the specific threshold, the controller acquires the specific value for the degree of amplification by the amplifier that is not higher than the upper limit.

3. The hearing aid according to Claim 1,

wherein the processor further has an alarm connected to the controller and configured to issue a warning when the controller determines that the resistance value has exceeded the threshold.

4. The hearing aid according to Claim 1,

further comprising a memory connected to the controller and configured to store the specific value,

wherein the controller acquires the specific value from the memory.

5. The hearing aid according to Claim 4,

wherein the specific value is the degree of amplification according to a value related to a specific resistance value set in the past by the first volume adjuster.

6. The hearing aid according to Claim 1,

wherein the processor further has a threshold storage component configured to store the threshold.

7. A method of controlling a volume of a hearing aid that includes:

a microphone configured to convert sound into an electrical signal;

a first volume adjuster that includes a variable resistor and sets a resistance value of the variable resistor;

an amplifier configured to amplify an electrical signal from the microphone;

a receiver configured to convert the amplified electrical signal into sound; and

a processor configured to control the amplifier,

wherein the processor detects the resistance value of the variable resistor of the first volume adjuster,

determines whether or not the resistance value has exceeded a specific threshold,

sets a degree of amplification for the electrical signal according to the resistance value of the variable resistor of the first volume adjuster when it is determined that the resistance value does not exceed the specific threshold, and

when it is determined that the resistance value has exceeded the specific threshold, acquires a specific value for the degree of amplification of the electrical signal by the amplifier, and sets the degree of amplification by the amplifier to the specific value.

7c

請求の範囲

[請求項1]　本体ケースと、

前記本体ケース内に設けられ、音を電気信号に変換するマイクロホン、

前記本体ケース内に設けられた処理部、

可変抵抗器と、前記本体ケース外に露出するように設けられ前記可変抵抗器の抵抗値を設定するための操作部と、を有する第１の音量調整部、及び

前記電気信号を音に変換するレシーバ、

を備える補聴器であって、

前記処理部は、

前記マイクロホンからの前記電気信号を増幅する増幅部、

前記第１の音量調整部の前記可変抵抗器の抵抗値に応じて、前記増幅部による増幅度を設定する第２の音量調整部、及び

前記第２の音量調整部と前記増幅部とを制御する制御部、

を有し、

前記制御部は、

前記第１の音量調整部の前記可変抵抗器の抵抗値を検知し、

前記抵抗値が所定の閾値を超えたかどうかを判定し、

前記抵抗値が前記所定の閾値を超えたと判定した場合は、前記増幅部による増幅度の所定値を取得し、

前記増幅部による増幅度を、前記所定値に設定する、

補聴器。

[請求項2]　前記第２の音量調整部は、前記増幅部による増幅度の上限値を設定し、前記上限値以下の範囲で前記増幅部による増幅度を設定し、

前記制御部は、前記抵抗値が前記所定の閾値を超えたと判定した場合は、前記上限値以下である前記増幅部による増幅度の所定値を取得する、

請求項１に記載の補聴器。

[請求項3]　前記処理部は更に、前記制御部に接続され、前記制御部により前記抵抗値が前記閾値を超えたと判定された場合に警告を行う警告部を有する、

請求項１に記載の補聴器。

[請求項4]　更に、前記制御部に接続され、前記所定値を記憶するメモリを備え、

前記制御部は、前記メモリから前記所定値を取得する、

請求項１に記載の補聴器。

[請求項5]　前記所定値は、前記第１の音量調整部によって過去に設定されていた所定の抵抗値に関する値に応じた増幅度である、

請求項４に記載の補聴器。

[請求項6]　前記処理部は更に、前記閾値を記憶する閾値記憶部を有する、

請求項１に記載の補聴器。

[請求項7]　音を電気信号に変換するマイクロホン、

可変抵抗器を含み前記可変抵抗器の抵抗値を設定する第１の音量調整部、

前記マイクロホンからの電気信号を増幅する増幅部、

増幅した前記電気信号を音に変換するレシーバ、及び

前記増幅部を制御するプロセッサ

を含む補聴器の音量制御方法であって、前記プロセッサによって、

前記第１の音量調整部の前記可変抵抗器の抵抗値を検知し、

前記抵抗値が所定の閾値を超えたかどうかを判定し、

前記抵抗値が前記所定の閾値を超えないと判定した場合は、前記第１の音量調整部の前記可変抵抗器の抵抗値に応じて、前記電気信号の増幅度を設定し、

前記抵抗値が前記所定の閾値を超えたと判定した場合は、前記増幅器における前記電気信号の増幅度の所定値を取得し、前記増幅部によ

る増幅度を、前記所定値に設定する、
補聴器の音量制御方法。

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.
12/935,358	09/29/2010	Shigekiyo Fujii	2010_1337A	3748

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

Please find below 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
FUJII, SHIGEKIYO, et al.	:	DECISION ON REQUEST TO
Application No. 12/935,358	:	PARTICIPATE IN PATENT
Filed: September 29, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 2010_1337A	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed September 29, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

MAILED

JAN 20 2012

OFFICE OF PETITIONS

In re Application of	
Kentaro Fujii	: DECISION ON REQUEST TO
Application No.: 12/935,404	: PARTICIPATE IN THE PATENT
Filed: September 29, 2010	: PROSECUTION HIGHWAY
Attorney Docket No.: 2010 _1209A	: PROGRAM AND PETITION
For: TRANSFER-FOIL RAW FABRIC	: TO MAKE SPECIAL UNDER
HAVING NO FOIL FALL AND PEELING	: 37 CFR 1.102(a)
FILM THEREFOR	:

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 2, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

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

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

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

3. Applicant must:

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

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

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

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

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

The request to participate in the PPH pilot program and the present petition fails meet condition (4) above.

In this regard, since examination of the application began December 8, 2011, the present petition cannot be granted.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application is being referred to Technology Center Art Unit 1785 to await a response to the Office action mailed December 8, 2011.

Anthony Knight
Director
Office of Petitions

Docket No. 367814US0PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kazuki OKABE

SERIAL NO: PCT/JP09/64273 (12/935,416)

FILED: August 12, 2009

FOR: ORGANIC ELECTROLUMINESCENT ELEMENT, ORGANIC EL DISPLAY DEVICE AND ORGANIC EL ILLUMINATING DEVICE

PETITION UNDER 37 C.F.R. § 1.102

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Special status under the Project Exchange/Patent Application Backlog Reduction Stimulus Plan is sought for the above-identified application. U.S. Patent Application No. 12/299,318 has been expressly abandoned as required. A copy of the express abandonment filed in U.S. Patent Application No. 12/299,318 is submitted herewith.

The expressly abandoned application and the instant application are held by the same assignee Mitsubishi Chemical Corporation.

Applicants have not filed petitions in more than fourteen other applications requesting special status under this program.

Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

Application No. 12/935,416

In view of the foregoing, Applicants respectfully request that this petition be granted and that this application be made special.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard L. Treanor
Registration No. 36,379

Jacob A. Doughty
Registration No. 46,671

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 08/10)

Attachment:
Copy of Express Abandonment filed in U.S. Patent Application No. 12/299,318

OBLON
SPIVAK

ATTORNEYS AT LAW

RICHARD D. KELLY
(703) 412-6241
RKELLY@OBLON.COM

JACOB A. DOUGHTY
(703) 413-3000
JDOUGHTY@OBLON.COM

Docket No.: 334107US2PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

COPY

RE: Application Serial No.: 12/299,318
Applicants: Hideyoshi HORIE
Filing Date: November 3, 2008
For: SEMICONDUCTOR LIGHT-EMITTING ELEMENT
Group Art Unit: 2822
Examiner: NIESZ, JAMIE

SIR:

Attached hereto for filing are the following papers:

EXPRESS ABANDONMENT UNDER 37 CFR 1.138(a)

Credit card payment is being made online (if electronically filed), or is attached hereto (if paper filed), in the amount of **$0.00** to cover any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. **15-0030**. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard D. Kelly
Registration No. 27,757

Jacob A. Doughty
Registration No. 46,671

Customer Number
22850
(703) 413-3000 (phone)
(703) 413-2220 (fax)
(OSMMN 10/09)

COPY

Docket No. 334107US2PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Hideyoshi HORIE

SERIAL NO: 12/299,318 EXAMINER: NIESZ, JAMIE

FILED: November 3, 2008 GROUP ART UNIT: 2822

FOR: SEMICONDUCTOR LIGHT-EMITTING ELEMENT

EXPRESS ABANDONMENT UNDER 37 CFR 1.138(a)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant requests that the above-identified application be expressly abandoned as of the filing date of this paper.

Applicant has not and will not file an application that claims the benefit of this application under any provision of title 35, United States Code.

Applicant has not and will not file a new application that claims the same invention claimed in the instant application.

Applicant agrees not to request a refund of any fees paid in this application.

A petition under 37 CFR 1.102 will be filed in application serial number PCT/JP2009/064273 in which special status is sought by abandonment of the instant application under the Application Backlog Reduction Stimulus Plan.

The instant application and the application for which special status is being sought under the Application Backlog Reduction Stimulus Plan are held by the same assignee, Mitsubishi Chemical Corporation.

COPY

Applicant has not received special status for more than fourteen (14) other applications under this program.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard D. Kelly
Registration No. 27,757

Jacob A. Doughty
Registration No. 46,671

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 08/10)

Electronic Acknowledgement Receipt

EFS ID:	8474165
Application Number:	12299318
International Application Number:	
Confirmation Number:	8355
Title of Invention:	COPY SEMICONDUCTOR LIGHT-EMITTING ELEMENT
First Named Inventor/Applicant Name:	Hideyoshi Horie
Customer Number:	22850
Filer:	Marvin Jay Spivak/Michelle Munday
Filer Authorized By:	Marvin Jay Spivak
Attorney Docket Number:	334107US2PCT
Receipt Date:	22-SEP-2010
Filing Date:	03-NOV-2008
Time Stamp:	15:49:33
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		334107USABANDON.PDF	90305 5eab2d0e52b3d47e7603517ab709dc2fff0b676	yes	3

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Miscellaneous Incoming Letter	1	1
	Letter Express Abandonment of the application	2	3

Warnings:

Information:

Total Files Size (in bytes):	90305

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

COPY

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

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

MAILED
DEC 21 2010
OFFICE OF PETITIONS

In re Application of :
OKABE :
Application No. 12/935,416 :
35 U.S.C. 371 Date: Not Yet Determined :
Int. Appl. No.: PCT/JP2009/064273 :
Int. File Date: August 12, 2009
Attorney Docket No. **367814US0PCT**

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed September 29, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

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

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/935,434	09/29/2010	Junko Kojima	11333/402	4253

EXAMINER
SINGH, SATYENDRA K

ART UNIT	PAPER NUMBER
1653	

MAIL DATE	DELIVERY MODE
12/15/2011	PAPER

7590 12/15/2011
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/935,434	09/29/2010	Junko Kojima	11333/402	4253

EXAMINER
SINGH, SATYENDRA K

ART UNIT	PAPER NUMBER
1653	

MAIL DATE	DELIVERY MODE
12/15/2011	PAPER

7590 12/15/2011
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/935,534	09/29/2010	Kaj Portin	5421/0114PUS1	5019

60601 7590 12/07/2010
Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX, VA 22033

EXAMINER

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
12/07/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

In re Application of	:	
PORTIN, KAJ et al	:	DECISION ON REQUEST TO
Application No. 12/935,534	:	PARTICIPATE IN PATENT
Filed: Sep. 29, 2010	:	NBPR/PROSECUTION HIGHWAY
Attorney Docket No. 5421/0114PUS1	:	PROGRAM AND PETITION
For: ADJUSTMENT SYSTEM FOR BALANCING THE CYLINDERS OF A GAS-BURNING INTERNAL COMBUSTION ENGINE	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed December 6, 2010, to make the above-identified application special.

The request and petition are dismissed.

A grantable request to participate in the 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 NBPR;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the NBPR/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the NBPR 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 NBPR/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the NBPR examiner in the NBPR office action along with copies of documents except U.S. patents or U.S. patent application publications.

With regard to Items #2 and 3, the applicant failed to submit a copy of NBPR office action indicating claims 1-15 are patentable. NBPR Office action or work product does not positively indicate claims 1-15 are patentable. There is no copy of patentable claims from the NBPR Office action. In particular, the NBPR search report indicates that claims 1-15 do not satisfy Essential Difference (inventiveness).

With regard to Item #5, the applicant must submit a copy of the latest NBPR work product containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate.

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

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web. Currently, the application is undergoing pre-examination processing.

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

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/935,534	09/29/2010	Kaj Portin	5421/0114PUS1	5019

60601 7590 12/14/2010
Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX, VA 22033

EXAMINER

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
12/14/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

In re Application of	:	
PORTIN, KAJ et al	:	DECISION ON REQUEST TO
Application No. 12/935,534	:	PARTICIPATE IN PATENT
Filed: Sep. 29, 2010	:	NBPR/PROSECUTION HIGHWAY
Attorney Docket No. 5421/0114PUS1	:	PROGRAM AND PETITION
For: ADJUSTMENT SYSTEM FOR BALANCING THE CYLINDERS OF A GAS-BURNING INTERNAL COMBUSTION ENGINE	:	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(d), filed December 13, 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 NBPR;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the NBPR/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the NBPR 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 NBPR/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the NBPR examiner in the NBPR office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Steve Cronin, SPE of Art Unit 3747, and 571-272-4536 for Class 123/435 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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INGRASSIA FISHER & LORENZ, P.C. (GME)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

MAILED
JUL 20 2011
PCT LEGAL ADMINISTRATION

In re Application of
MOHLIN, Mikael et al.
Application No.: 12/935,544
PCT No.: PCT/EP2009/002355
Int. Filing Date: 31 March 2009
Priority Date: 31 March 2008
ATTY Docket No.: 060.0454US
For: DOUBLE-CLUTCH TRANSMISSION FOR VEHICLES

DECISION

This decision is in response to applicant's REQUEST FOR CORRECTED FILING RECEIPT filed in the United States Patent and Trademark Office (USPTO) on 20 April 2011.

BACKGROUND

On 31 March 2009, applicant filed international application, PCT/EP2009/002355, which claimed priority of earlier European applications filed 31 March 2008.

On 29 September 2010, applicant filed national stage papers with the United States Designated/Elected Office (DO/EO/US).

On 15 March 2011, the DO/EO/US mailed both a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and a Filing Receipt.

On 20 April 2011, the applicant filed the instant Request for Corrected Filing Receipt.

Application No.: 12/935,544

DISCUSSION

Applicant requests acknowledgement of 26 priority claims not listed on the Filing Receipt filed 15 March 2011.

Due to USPTO computer system limitations, only 20 priority claims can be listed on a filing receipt. The entire set of 46 priority claims has been captured in the Office's internal Patent Application Location and Monitoring (PALM) system and is viewable in the Patent Application Information Retrieval (PAIR) system.

CONCLUSION

For the reasons detailed above, applicant's Request for a Corrected Filing Receipt, which lists all 46 priority claims, is hereby **DISMISSED.**

Any further correspondence with request 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.

Shane Thomas
PCT Legal Detailee
Office of PCT Legal Administration
Tel: (571) 272-6095

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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INGRASSIA FISHER & LORENZ, P.C. (GME)
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SCOTTSDALE AZ 85253

MAILED
JUL 20 2011
PCT LEGAL ADMINISTRATION

In re Application of
MOHLIN, Mikael et al.
Application No.: 12/935,550
PCT No.: PCT/EP2009/002304
Int. Filing Date: 30 March 2009
Priority Date: 31 March 2008
ATTY Docket No.: 060.0453US
For: DOUBLE-CLUTCH TRANSMISSION FOR VEHICLES

DECISION

This decision is in response to applicant's REQUEST FOR CORRECTED FILING RECEIPT filed in the United States Patent and Trademark Office (USPTO) on 20 April 2011.

BACKGROUND

On 30 March 2009, applicant filed international application, PCT/EP2009/002304, which claimed priority of earlier European applications filed 31 March 2008.

On 29 September 2010, applicant filed national stage papers with the United States Designated/Elected Office (DO/EO/US).

On 18 March 2011, the DO/EO/US mailed both a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and a Filing Receipt.

On 20 April 2011, the applicant filed the instant Request for Corrected Filing Receipt.

Application No.: 12/935,550

DISCUSSION

Applicant requests acknowledgement of 26 priority claims not listed on the Filing Receipt filed 18 March 2011.

Due to USPTO computer system limitations, only 20 priority claims can be listed on a filing receipt. The entire set of 46 priority claims has been captured in the Office's internal Patent Application Location and Monitoring (PALM) system and is viewable in the Patent Application Information Retrieval (PAIR) system.

CONCLUSION

For the reasons detailed above, applicant's Request for a Corrected Filing Receipt, listing all 46 priority claims, is hereby **DISMISSED**.

Any further correspondence with request 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.

Shane Thomas
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Office of PCT Legal Administration
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Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/935,555	09/29/2010	Shunsuke Kakisaka	10478-9100	5128

52044 7590 03/23/2011
SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

EXAMINER
TON, MINH TOAN T

ART UNIT	PAPER NUMBER
2889	

MAIL DATE	DELIVERY MODE
03/23/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

In re Application of	**: DECISION ON REQUEST TO**
KAKISAKA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/935,555	**: PROSECUTION HIGHWAY**
Filed: 29 September 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 10478-9100	**: TO MAKE SPECIAL UNDER**
For: ILLUMINATING DEVICE	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 31 January 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;

3. Applicant must
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (2) and (4-5) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions (1), (3), and (6).

Regarding the requirement of condition (1), the instant application does not claim priority to JP 2010-509090 which contains the allowed claims. Where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application.

Regarding the requirement of condition (3), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond the allowable/patentable claims in the JPO application. Specifically, JP claim 1 recites the mirror part being inside "the high pressure discharge lamp." This limitation is not present in US claim 1.

Regarding the requirement of condition (6), applicant has failed to provide an IDS listing all the documents cited by the JPO examiner in the JPO office action and provide copies thereof. Specifically, S63-068897 has not been cited nor has a copied been provided.

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

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PCT LEGAL ADMINISTRATION

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of	:	
WANG et al.	:	
Application No.: 12/935,559	:	DECISION
PCT No.: PCT/EP2009/002388	:	
Int. Filing Date: 01 April 2009	:	
Priority Date: 18 April 2008	:	
Attorney Docket No.: 27392/36094	:	
For: LED MODULE HAVING A PLATFORM	:	
WITH A CENTRAL RECESS	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 25 May 2011 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 01 April 2009, applicants filed international application PCT/EP2009/002388, which designated the United States and claimed a priority date of 18 April 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 October 2010.

On 29 September 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 27 October 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 25 May 2011, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a five-month petition/fee for extension of time, a declaration of inventors, and a declaration of facts by Dr. Anna Szucs with documentation in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been satisfied.

Item (2) has not been satisfied. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." The statement of facts by Dr. Anna Szucs has been considered. However, it has not been established that non-signing inventor Yanqui Wang was presented with a copy of the application papers. Although a copy of the application papers may have been sent with the e-mails sent to Yanqi Wang, there is no evidence that these e-mails were received. Evidence of receipt of the correspondence mailed 05 April 2011 to the Austria address has been provided. However, although the statement of facts indicates that a copy of the application papers was included with the correspondence (paragraph 8 of the statement of facts), evidence of this inclusion has not been provided. It is suggested that a copy of the cover letter sent with this correspondence (and an English translation if necessary) be provided.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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PCT LEGAL ADMINISTRATION

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of	:	
WANG et al.	:	
Application No.: 12/935,559	:	DECISION
PCT No.: PCT/EP2009/002388	:	
Int. Filing Date: 01 April 2009	:	
Priority Date: 18 April 2008	:	
Attorney Docket No.: 27392/36094	:	
For: LED MODULE HAVING A PLATFORM	:	
WITH A CENTRAL RECESS	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 11 August 2011 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 01 April 2009, applicants filed international application PCT/EP2009/002388, which designated the United States and claimed a priority date of 18 April 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 October 2010.

On 29 September 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 27 October 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 25 May 2011, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a five-month petition/fee for extension of time, a declaration of inventors, and a declaration of facts by Dr. Anna Szucs with documentation in support thereof.

On 02 August 2011, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 11 August 2011, applicants submitted the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision issued 02 August 2011, items (1), (3), and (4) have been satisfied.

In view of the comments in the renewed petition and upon reconsideration, it has been determined that item (2) has been satisfied as well. The statement of facts by Dr. Anna Szucs indicates that a copy of the application papers was included with the correspondence mailed 05 April 2011 to the German address. This statement is sufficient to establish that a copy of the application papers was sent to non-signing inventor Yanqi Wang. A copy of the cover letter sent with this correspondence is not required. Yanqi Wang's conduct constitutes a refusal to sign.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of **25 May 2011**.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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SEP 09 2011

PCT LEGAL ADMINISTRATION

An Yanqi Wang
Heinrich-Plett-Str. 57
D-34132 Kassel
DEUTSCHLAND

In re Application of
WANG et al.
Application No.: 12/935,559
PCT No.: PCT/EP2009/002388
Int. Filing Date: 01 April 2009
Priority Date: 18 April 2008
Attorney Docket No.: 27392/36094
For: LED MODULE HAVING A PLATFORM WITH A CENTRAL RECESS

Dear Dr. Yang:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

MARSHALL, GERSTEIN & BORUN LLP
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/935,565	09/29/2010	Kaj Portin	5421/0113PUS1	5202

60601 7590 11/19/2010
Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX, VA 22033

EXAMINER

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
11/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

In re Application of	:	
PORTIN, KAJ et al	:	DECISION ON REQUEST TO
Application No. 12/935,565	:	PARTICIPATE IN PATENT
Filed: Sep. 29, 2010	:	NBPR/PROSECUTION HIGHWAY
Attorney Docket No. 5421/0113PUS1	:	PROGRAM AND PETITION
For: SYSTEM FOR REGULATING PILOT FUEL SUPPLY IN A COMBUSTION ENGINE	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 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 NBPR;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the NBPR/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the NBPR 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 NBPR/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the NBPR examiner in the NBPR office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

This application is currently undergoing pre-examination processing. Upon completion, the application will be forwarded and docketed to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Steve Cronin, SPE of Art Unit 3747, and 571-272-4536 for Class 123 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 46861US02	Application Number (if known): 12/935,587	Filing date: September 30, 2010
First Named Inventor: Jan Larsen		
Title: Processing lignocellulosic biomass to fixed, high levels of dry matter content.		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement of basis for special status.

Signature /Robert C. Casad, Jr./	Date January 18, 2011
Name (Print/Typed) Robert C. Casad, Jr.	Registration Number 51535

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 2 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Statement of basis for special status.

The application relates to methods of processing lignocellulosic biomass for conversion to ethanol. Accordingly, this "second generation bioethanol" technology is material to development of renewable energy sources and also to greenhouse gas reduction, where ethanol can be substituted for petroleum-based fuels.

Respectfully for the applicants,

/Robert C. Casad, Jr./

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January 18, 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.
12/935,587	09/30/2010	Jan Larsen	46861US02	5520

95469 7590 02/04/2011
Plougmann & Vingtoft A/S
Sundkrogsgade 9
PO Box 831
Copenhagen, 2100
DENMARK

EXAMINER

ART UNIT	PAPER NUMBER
1632	

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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FEB 0 4 2011

Plougmann & Vingtoft A/S
Sundkrogsgade 9
PO Box 831
Copenhagen 2100 DK DENMARK

In re Application of	:	
LARSEN, Jan *et al.*	:	DECISION ON PETITION
Application No. 12/935587	:	TO MAKE SPECIAL UNDER
Filed: September 30, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 46861US02	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1632 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner &
POC for TC 1600 Green Tech Petitions
Technology Center 1600

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Joshua P. Wert
Seppo Laine Oy
Itämerenkatu 3B
Helsinki FIN-00180 FI FINLAND

MAILED
JUN 21 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
ILVESNIEMI et al.	:	
Application No.: 12/935,613	:	DECISION on
PCT No.: PCT/FI09/50251	:	
Int. Filing Date: 02 April 2009	:	RESPONSE TO NOTIFICATION
Priority Date: 02 April 2008	:	
Attorney Docket No.: 1LV 1 US	:	Of DEFECTIVE RESPONSE
For: METHOD OF TREATING BIOMASS	:	

This is a decision "Applicant Response to Notification of Defective Response" to correct the inventor's name filed on 20 April 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 April 2009, applicant filed international application PCT/FI09/50251 which claimed a priority date of 02 April 2008.

On 30 September 2010, applicant filed a transmittal letter requesting filing under 35 U.S.C. 371 in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 22 October 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 21 March 2011, applicant filed a response to the Notification along with an executed declaration.

On 04 April 2011, a Notification of Defective Response was mailed indicating that the first name of the seventh named inventor's on the declaration submitted on 21 March 2011 was

different from that identified on the published international application.

On 20 April 2011, applicant filed the instant request to correct the seventh inventor's name.

DISCUSSION

A review of the application file reveals that the first name of the seventh inventor as listed on the published international application is "Lauri Vähäsalo". The declaration, filed on 21 March 2011, was signed by "Lari Vähäsalo". Applicant explains that the inventor's name was misspelled and incorrectly identified in the international application. The explanation is acceptable and noted for the record. The USPTO records will be corrected to reflect the first name of the seventh inventor is Lari Vähäsalo. The declaration, submitted on 21 March 2011, meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

CONCLUSION

For the above reasons, the request to correct the respective inventor's name to Lari Vähäsalo is **GRANTED**. The declaration, submitted on 21 March 2011, meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 21 March 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
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PCT LEGAL ADMINISTRATION

In re Application of
Goux et al.
Application No.: 12/935,656
PCT No.: PCT/IB2009/051327
Int. Filing Date: 30 March 2009
Priority Date: 01 April 2008
Attorney Docket No.: 81058097 US06
For: Multiple Bit Phase Change Memory Cell

DECISION

This is in response to the request filed on 02 May 2011, which is being treated as a submission under 37 CFR 1.497(d).

BACKGROUND

This international application was filed on 30 March 2009, claimed an earlier priority date of 01 April 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 08 October 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 01 October 2010. Applicants filed *inter alia* the basic national fee on 30 September 2010.

On 01 November 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Counsel requests the deletion of David I. Marden as an inventor. Counsel seeks relief under 37 CFR 1.48, but the regulation most pertinent to this situation is 37 CFR 1.497(d). A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)).

Regarding requirement (1), applicants have provided an appropriate statement signed by David I. Marden.

Regarding requirement (2), the $130.00 processing fee is being charged to Deposit Account no. 50-4019, per the authorization included in the "petition."

Regarding requirement (3), counsel has presented a statement under 37 CFR 3.73(b) which identifies NXP, B.V. as the assignee of the entire right, title and interest. The statement is

signed by Peter Zawilski, who asserts that he is authorized to act on behalf of the assignee. The statement indicates that the documentary evidence of the chain of title "was, or concurrently is being, submitted for recordation," but it is not clear whether the assignment documents filed on 02 May 2011 were being submitted for recordation, or whether counsel was possibly seeking to rely on previously recorded documentation, particularly because neither check box A nor B was checked, and a Reel number but not a Frame number was indicated. In addition, the submission was not accompanied by an explicit written statement by the assignee that the assignee consents to the proposed change of inventorship. In view of these facts, it would not be appropriate to conclude that requirement (3) has been satisfied at this time.

DECISION

The declaration is **NOT ACCEPTED** under 37 CFR 1.497(d), without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.497(d)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
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Tel: (571) 272-3283

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Intellectual Property and Licensing
NXP B.V.
411 East Plumeria Drive, MS41
San Jose, CA 95134

In re Application of
GOUX et al.
Application No.: 12/935,656
PCT No.: PCT/IB2009/051327
Int. Filing Date: 30 March 2009
Priority Date: 01 April 2008
Attorney Docket No.: 81058097 US06
For: MULTIPLE BIT PHASE CHANGE MEMORY CELL

DECISION ON REQUEST

In a decision mailed by this Office on 14 October 2011, applicant's request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d).

On 25 October 2011, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's submissions satisfy the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the deleted inventor. The processing fee set in forth in 37 CFR §1.17 has been submitted. Applicant's submission included the consent of the assignee to the requested correction of inventorship, in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Based on the above, applicant's request to delete David I. Marden as an inventor is appropriately granted. Based on this correction, the declaration filed on 02 May 2011 is acceptable under 37 CFR 1.497. Applicant's request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 02 May 2011.

Anthony Smith
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NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
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1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of	:	DECISION
GOUX et al.	:	
Application No.: 12/935,669	:	
PCT No.: PCT/IB2009/051329	:	
Int. Filing Date: 30 March 2009	:	
Priority Date: 01 April 2008	:	
Attorney Docket No.: 81058100 US06	:	
For: VERTICAL PHASE CHANGE MEMORY CELL	:	

This decision is in response to applicant's petition under 37 CFR 1.48(a), which has properly been treated as a petition under 37 CFR 1.497(d), filed on 31 January 2011.

BACKGROUND

On 30 March 2009, applicant filed international application PCT/IB2009/051329, which designated the United States and claimed a priority date of 01 April 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 October 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 October 2010.

On 30 September 2010, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 29 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 31 January 2011, applicant filed the instant petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time and statements from the two inventors named in the international application.

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Item (1) has not been satisfied. The statement from the inventor being deleted (David I. MARDEN) fails to state that the error occurred without deceptive *intention on his part.*

As to item (2), the processing fee of $130 has been charged to Deposit Account 50-4019.

Item (3) has not been satisfied. No mention is made in the petition regarding whether an assignment has been executed. If an assignment has been executed, the written consent of the assignee is required. A proper showing under 37 CFR 3.73(b) is also required if an assignment has been executed. See MPEP § 324.

Item (4) is not required.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT

Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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In re Application of	:	DECISION
GOUX et al.	:	
Application No.: 12/935,669	:	
PCT No.: PCT/IB2009/051329	:	
Int. Filing Date: 30 March 2009	:	
Priority Date: 01 April 2008	:	
Attorney Docket No.: 81058100 US06	:	
For: VERTICAL PHASE CHANGE MEMORY CELL	:	

This decision is in response to applicants renewed petition under 37 CFR 1.497(d) filed on 12 May 2011.

BACKGROUND

On 30 March 2009, applicant filed international application PCT/IB2009/051329, which designated the United States and claimed a priority date of 01 April 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 October 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 October 2010.

On 30 September 2010, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 29 October 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 31 January 2011, applicant filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time and statements from the two inventors named in the international application.

On 15 March 2011, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.497(d).

On 12 May 2011, applicants filed the instant renewed petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision issued 15 March 2011, item (2) has been satisfied and item (4) is not required.

Item (1) has now been satisifed.

Item (3) has not been satisfied. A proper showing under 37 CFR 3.73(b) has been made. However, written consent of the assignee has not been provided.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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In re Application of	:	
GOUX et al.	:	DECISION
Application No.: 12/935,669	:	
PCT No.: PCT/IB2009/051329	:	
Int. Filing Date: 30 March 2009	:	
Priority Date: 01 April 2008	:	
Attorney's Docket No.: 81058100 US06	:	
For: VERTICAL PHASE CHANGE	:	
MEMORY CELL	:	

This is a decision on applicant's renewed petition under 37 CFR 1.497(d) filed in the United States Patent and Trademark Office (USPTO) on 21 September 2011.

BACKGROUND

On 30 March 2009, applicant filed international application PCT/IB2009/051329, which designated the United States and claimed a priority date of 01 April 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 October 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 October 2010.

On 30 September 2010, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 29 October 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 31 January 2011, applicant filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time and statements from the two inventors named in the international application.

On 15 March 2011, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.497(d).

On 12 May 2011, applicants filed a renewed petition under 37 CFR 1.497(d).

On 07 September 2011, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.497(d).

On 21 September 2011, applicants filed the instant petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision issued 15 March 2011, item (2) has been satisfied and item (4) is not required.

As noted in the decision issued 07 September 2011, item (1) has been satisfied.

As to item (3), the decision issued 07 September 2011 indicated that a proper showing under 37 CFR 3.73(b) has been made but that written consent of the assignee had not been provided. The renewed petition states in part: "Applicant respectfully asserts that Item 3 has been satisfied. As Assignee's Authorized Representative, to avoid an irretrievable loss of rights, it is requested that Petition be granted and that the case proceed to substantive examination." This language is hereby construed as written consent of the assignee to remove David I. Marden as inventor in the instant application. *If this interpretation is incorrect, applicants must notify the Office of PCT Legal Administration immediately.* Thus, item (3) has not been satisfied.

The declaration of the inventor filed 31 January 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Ludovic R. A. GOUX as inventor.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

Modified PTO/SB/20PCT-JP (01-2010)
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.:	12/935,687	Filing Date:	September 30, 2010
First Named Inventor:	Kenji IWANO et al.	Attorney Docket No.:	2010_1377A
Title of the Invention:	HEARING AID		

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 is: **PCT/JP2010/000471**

The international date of the corresponding PCT application is: **January 27, 2010**

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)

[X] is attached.
[ ] is <u>not</u> 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 <u>not</u> attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

[ ] is attached.
[X] Has already been filed in the above-identified U.S. application on September 30, 2010.

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

[ ] Are attached.
[X] Have already been filed in the above-identified U.S. application on September 30, 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.

Modified PTO/SB/20PCT-JP (01-2010)
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.:	12/935,687
First Named Inventor:	Kenji IWANO et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9
10	10	10
11	11	11, PCT claim is multiple dependent, U.S. claim is not
12	12	12, PCT claim is multiple dependent, U.S. claim is not
13	13	13, PCT claim is multiple dependent, U.S. claim is not
14	14	14, PCT claim is multiple dependent, U.S. claim is not
15	15	15, PCT claim is multiple dependent, U.S. claim is not
16	16	16, PCT claim is multiple dependent, U.S. claim is not
17	17	17, PCT claim is multiple dependent, U.S. claim is not
18	18	18, PCT claim is multiple dependent, U.S. claim is not
19	19	19, PCT claim is multiple dependent, U.S. claim is not
20	20	20, PCT claim is multiple dependent, U.S. claim is not

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Jeffrey R. Filipek/ 2010.09.30 16:48:27 -04'00'	Date: September 30, 2010
Name: (Print/Type) Jeffrey R. Filipek	Registration No. 41,471

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
SHINJYU GLOBAL IP
South Forest Bldg., 1-4-19,
Minamimori-machi, Kita-ku,
Osaka-shi, Osaka
5300054

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	02. 03. 2010
Applicant's or agent's file reference P055451P0	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/000471	27. 01. 2010	09. 02. 2009

International Patent Classification (IPC) or both national classification and IPC
Int. Cl. H04R25/00 (2006. 01) i

Applicant
PANASONIC CORPORATION

1. This opinion contains indications relating to the following items:

- [✓] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [✓] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step 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 (ISA/JP) 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 1008915 Facsimile No.	17. 02. 2010	Hiroshi OONO Telephone No. 03-3581-1101 extension 3541

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000471

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. (type of material)
   - [ ] a sequence listing
   - [ ] table(s) related to the sequence listing

   b. (means)
   - [ ] on paper
   - [ ] in electronic form

   c. (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/JP2010/000471

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	1-20	YES
	Claims		NO
Inventive step (IS)	Claims	1-20	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims		NO

2. Citations and explanations:

The inventions pertaining to Claims 1 to 20 are not disclosed in any of the publications cited in the International Search Report, and have novelty. In particular, the adjustment amount calculator for calculating an adjustment amount on the basis of the signal strength and the noise component strength, the nonlinear compressor for calculating a reference gain on the basis of the signal strength and the specific reference gain information, and adjusting the reference gain on the basis of the adjustment amount, and thereby calculating for each of the plurality of frequency bands a nonlinear compression gain for nonlinearly compressing and amplifying the input signal, and the controller for producing an output signal by controlling the input signal on the basis of the noise suppression gain and the nonlinear compression gain, are not disclosed in any publication.

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
新樹グローバル・アイピー特許業務法人

様

あて名
〒530-0054
日本国大阪府大阪市北区南森町１丁目４番１９号
サウスホレストビル

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）	０２．０３．２０１０
出願人又は代理人 の書類記号　P055451P0	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２０１０／０００４７１	（日.月.年）　２７．０１．２０１０	（日.月.年）　０９．０２．２００９

国際特許分類（ＩＰＣ）Int.Cl. H04R25/00(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
１７．０２．２０１０

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 大野　弘	５Ｚ	９１７５
	電話番号　０３－３５８１－１１０１　内線　３５４１		

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／ＪＰ２０１０／０００４７１

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／ＪＰ２０１０／０００４７１

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	１－２０	有
	請求項		無
進歩性（IS）	請求項	１－２０	有
	請求項		無
産業上の利用可能性（IA）	請求項	１－２０	有
	請求項		無

2. 文献及び説明

請求項１－２０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。特に、信号強度および雑音成分強度に基づいて調整量を算出する調整量算出部と、前記信号強度と前記所定の基準ゲイン情報とに基づいて基準ゲインを算出し、前記調整量に基づいて前記基準ゲインを調整することによって、前記入力信号を非線形に圧縮および増幅するための非線形圧縮ゲインを前記複数の周波数帯域毎に算出する非線形圧縮部と、前記雑音抑圧ゲインと前記非線形圧縮ゲインとに基づいて前記入力信号を制御することによって出力信号を生成する制御部とは、何れの文献にも開示されていない。

Statement of Translation

I hereby declare and state:

that I am thoroughly conversant in both the Japanese language and the English language;

that I am capable of performing translation from the Japanese language into English language; and

that the attached document represents a true and complete English translation of all claims which were indicated as having novelty, inventive and industrial applicability in the PCT Application No. PCT/JP2010/000471 .

Signed this 24th day of September, 2010.

Shu Matsuyama

Shu Matsuyama

English translation of all claims which were indicated as having novelty, inventive step and industrial applicability in the WO-ISA

CLAIMS

1. A hearing aid, comprising:

a microphone producing an input signal from an input sound;

a noise suppressor estimating the noise component strength included in the input signal on the basis of the signal strength for each of a plurality of frequency bands in the input signal, and calculating for each of the plurality of frequency bands a noise suppression gain for suppressing the noise component included in the input signal on the basis of the noise component strength;

an adjustment amount calculator calculating an adjustment amount on the basis of the signal strength and the noise component strength;

a reference gain information memory storing specific reference gain information;

a nonlinear compressor calculating a reference gain on the basis of the signal strength and the specific reference gain, and adjusting the reference gain on the basis of the adjustment amount, and thereby calculating for each of the plurality of frequency bands a nonlinear compression gain for nonlinearly compressing and amplifying the input signal;

a controller producing an output signal by controlling the input signal on the basis of the noise suppression gain and the nonlinear compression gain; and

a receiver reproducing an output sound from the output signal.

2. The hearing aid according to Claim 1,

wherein the adjustment amount calculator decreases the adjustment amount when a ratio between the signal strength and the noise component strength is less than a first specific threshold.

English translation of all claims which were indicated as having novelty, inventive step and industrial applicability in the WO-ISA

3. The hearing aid according to Claim 2,

wherein the adjustment amount calculator increases the adjustment amount when the ratio between the signal strength and the noise component strength is at or above a second specific threshold that is at or above the first specific threshold.

4. The hearing aid according to Claim 3,

wherein the adjustment amount calculator does not increase or decrease the adjustment amount when the ratio between the signal strength and the noise component strength is at or above the first specific threshold and is less than the second specific threshold.

5. The hearing aid according to Claim 1,

further comprising a speech signal detector detecting a speech segment of the input signal,

wherein the adjustment amount calculator controls the adjustment amount on the basis of whether or not the speech segment is detected by the speech signal detector.

6. The hearing aid according to Claim 5,

wherein the adjustment amount calculator increases the adjustment amount when the speech segment is detected by the speech signal detector.

7. The hearing aid according to Claim 5,

wherein the adjustment amount calculator decreases the adjustment amount when a non-speech segment is detected by the speech signal detector.

8. The hearing aid according to Claim 5,

wherein the adjustment amount calculator does not increase or decrease the

adjustment amount when an uncertain segment which is unclear whether or not it is the speech segment is detected by the speech signal detector.

9. The hearing aid according to Claim 1,

wherein the adjustment amount calculator sets as a maximum value of the adjustment amount an inverse of the noise suppression gain calculated for each specific time segment by the noise suppressor.

10. The hearing aid according to Claim 1,

wherein the adjustment amount calculator sets as a minimum value of the adjustment amount a value obtained by dividing a minimum value of the noise suppression gain by the noise suppression gain.

11. The hearing aid according to Claim 3 or 6,

wherein, when the adjustment amount calculator increases the adjustment amount, the nonlinear compressor lengthens a time constant controlling the nonlinear compression gain in a direction of decreasing, and shortens a time constant controlling the nonlinear compression gain in a direction of increasing.

12. The hearing aid according to Claim 2 or 7,

wherein, when the adjustment amount calculator decreases the adjustment amount, the nonlinear compressor shortens a time constant controlling the nonlinear compression gain in a direction of decreasing, and lengthens a time constant controlling the nonlinear compression gain in a direction of increasing.

13. The hearing aid according to Claim 3 or 4,

wherein the adjustment amount calculator sets the first specific threshold and the

second specific threshold so that there will be a constant loudness level for each of the plurality of frequency bands.

14. The hearing aid according to Claim 1,

wherein the adjustment amount calculator calculates as the adjustment amount a plurality of adjustment amounts in different segments from the plurality of frequency bands, and

the nonlinear compressor controls the nonlinear compression gain on the basis of the average value of the plurality of adjustment amounts.

15. The hearing aid according to Claim 1,

wherein the microphone is composed of a plurality of microphones, and

the noise suppressor estimates, as the noise component strength, a steady-state noise component strength and a non-steady-state noise component strength for each of the plurality of frequency bands on the basis of the signal strengths of the plurality of input signals produced by the plurality of microphones.

16. The hearing aid according to Claim 3 or 4,

wherein the adjustment amount calculator sets the first specific threshold and the second specific threshold higher on a low frequency band side than on a high frequency band side.

17. The hearing aid according to Claim 3 or 4,

wherein the adjustment amount calculator sets the first specific threshold and the second specific threshold on the basis of the ratio between the signal strength of a low frequency band side and the noise component strength of the low frequency band side.

English translation of all claims which were indicated as having novelty, inventive step and industrial applicability in the WO-ISA

18. The hearing aid according to Claim 3 or 4,

wherein the adjustment amount calculator sets the first specific threshold and the second specific threshold on the basis of the ratio between the signal strength of a low frequency band side and the noise component strength of the low frequency band side.

19. The hearing aid according to Claim 1,

wherein the adjustment amount calculator calculates as the adjustment amount a plurality of adjustment amounts for each of the plurality of frequency bands, and

the plurality of adjustment amounts include a first adjustment amount and a second adjustment amount being larger than the first adjustment amount.

20. The hearing aid according to Claim 1,

wherein the adjustment amount calculator calculates as the adjustment amount a plurality of adjustment amounts for each of the plurality of frequency bands, and

the plurality of adjustment amounts include a first adjustment amount having a first minimum value, and a second adjustment amount having a second minimum value being larger than the first minimum value.

請求の範囲

[請求項1]　入力音から入力信号を生成するマイクと、

前記入力信号における複数の周波数帯域毎の信号強度に基づいて前記入力信号に含まれる雑音成分強度を推定し、前記雑音成分強度に基づいて前記入力信号に含まれる雑音成分を抑圧するための雑音抑圧ゲインを前記複数の周波数帯域毎に算出する雑音抑圧部と、

前記信号強度および前記雑音成分強度に基づいて調整量を算出する調整量算出部と、

所定の基準ゲイン情報を記憶する基準ゲイン情報記憶部と、

前記信号強度と前記所定の基準ゲイン情報とに基づいて基準ゲインを算出し、前記調整量に基づいて前記基準ゲインを調整することによって、前記入力信号を非線形に圧縮および増幅するための非線形圧縮ゲインを前記複数の周波数帯域毎に算出する非線形圧縮部と、

前記雑音抑圧ゲインと前記非線形圧縮ゲインとに基づいて前記入力信号を制御することによって出力信号を生成する制御部と、

前記出力信号から出力音を再生するレシーバと、

を備える補聴器。

[請求項2]　請求項１に記載の補聴器であって、

前記調整量算出部は、前記信号強度と前記雑音成分強度の比が第１の所定閾値未満である場合、前記調整量を減少するよう制御する

補聴器。

[請求項3]　請求項２に記載の補聴器であって、

前記調整量算出部は、前記信号強度と前記雑音成分強度の比が、前記第１の所定閾値以上である第２の所定閾値以上である場合、前記調整量を増加するよう制御する

補聴器。

[請求項4]　請求項３に記載の補聴器であって、

前記調整量算出部は、前記信号強度と前記雑音成分強度の比が、前

記第１の所定閾値以上であり、かつ、前記第２の所定閾値未満である場合、前記調整量を増減無しとするよう制御する

補聴器。

[請求項5]　請求項１に記載の補聴器であって、

前記入力信号の音声区間を検出する音声信号検出部を備え、

前記調整量算出部は、前記音声区間であるか否かに基づいて、前記調整量を制御する

補聴器。

[請求項6]　請求項５に記載の補聴器であって、

前記調整量算出部は、前記音声信号検出部によって前記音声区間が検出された場合に、前記調整量を増加するよう制御する

補聴器。

[請求項7]　請求項５に記載の補聴器であって、

前記調整量算出部は、前記音声信号検出部によって非音声区間が検出された場合に、前記調整量を減少するよう制御する

補聴器。

[請求項8]　請求項５に記載の補聴器であって、

前記調整量算出部は、前記音声信号検出部によって音声区間であるか否か不明である不定区間が検出された場合に、前記所定の調整量を増減無しとするよう制御する

補聴器。

[請求項9]　請求項１に記載の補聴器であって、

前記調整量算出部は、前記調整量の最大値として、前記雑音抑圧部で所定時間区分毎に算出する前記雑音抑圧ゲインの逆数を設定する

補聴器。

[請求項10]　請求項１に記載の補聴器であって、

前記調整量算出部は、前記調整量の最小値として、前記雑音抑圧ゲインの最小値を、前記雑音抑圧ゲインで除算した値を設定する

補聴器。

[請求項11]　請求項３又は６に記載の補聴器であって、

前記調整量算出部が前記調整量を増加した場合、前記非線形圧縮部は、前記非線形圧縮ゲインを減少する方向に制御する時定数を長くし、前記非線形圧縮ゲインを増加する方向に制御する時定数を短く設定する

補聴器。

[請求項12]　請求項２又は７に記載の補聴器であって、

前記調整量算出部が前記調整量を減少した場合、前記非線形圧縮部は、前記非線形圧縮ゲインを減少する方向に制御する時定数を短くし、前記非線形圧縮ゲインを増加する方向に制御する時定数を長く設定する

補聴器。

[請求項13]　請求項３又は４に記載の補聴器であって、

前記調整量算出部は、前記複数の周波数帯域毎にラウドネスレベルが一定となるように前記第１の所定閾値及び前記第２の所定閾値を設定する

補聴器。

[請求項14]　請求項１に記載の補聴器であって、

前記調整量算出部は、前記調整量として、前記複数の周波数帯域と異なる区分で複数の調整量を算出し、

前記非線形圧縮部は、前記複数の調整量の平均値に基づいて前記非線形圧縮ゲインを制御する

補聴器。

[請求項15]　請求項１記載の補聴器であって、

前記マイクは、複数のマイクによって構成されており、

前記雑音抑圧部は、前記雑音成分強度として、前記複数のマイクによって生成される複数の入力信号それぞれの信号強度に基づいて定常

雑音成分強度および非定常雑音成分強度を前記複数の周波数帯域毎に推定する

補聴器。

[請求項16]　請求項３又は４に記載の補聴器であって、

前記調整量算出部は、高周波数帯域側よりも低周波数帯域側において、前記第１の所定閾値及び前記第２の所定閾値を大きく設定する

補聴器。

[請求項17]　請求項３又は４に記載の補聴器であって、

前記調整量算出部は、低周波数帯域側における前記信号強度と前記雑音成分強度との比に基づいて、前記第１の所定閾値及び前記第２の所定閾値を設定する

補聴器。

[請求項18]　請求項３又は４に記載の補聴器であって、

前記調整量算出部は、低周波数帯域側における前記信号強度と前記雑音成分強度との比に基づいて、前記第１の所定閾値及び前記第２の所定閾値を設定する

補聴器。

[請求項19]　請求項１に記載の補聴器であって、

前記調整量算出部は、前記調整量として、複数の周波数帯域毎に複数の調整量を算出し、

前記複数の調整量は、第１の調整量と、前記第１の調整量よりも大きな第２の調整量とを含む

補聴器。

[請求項20]　請求項１に記載の補聴器であって、

前記調整量算出部は、前記調整量として、複数の周波数帯域毎に複数の調整量を算出し、

前記複数の調整量は、第１の最小値を有する第１の調整量と、前記第１の最小値よりも大きな第２の最小値を有する第２の調整量とを含

む

補聴器。

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.
12/935,687	09/30/2010	Kenji Iwano	2010_1377A	6321

52349 7590 08/12/2011
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
08/12/2011	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):

ddalecki@wenderoth.com
eoa@wenderoth.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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**
IWANO et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/935,687	**: PROSECUTION HIGHWAY**
Filed: 30 Seotember 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 2010_1377A	**: TO MAKE SPECIAL UNDER**
For: HEARING AID	**: 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 30 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 have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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MAILED
JUN 21 2011
PCT LEGAL ADMINISTRATION

SNR Denton US LLP
P.O. Box #061080
Chicago, IL 60606-1080

In re Application of:
GOLDSTEIN et al.
Application No.: 12/935,722
PCT No.: PCT/US2009/039038
Int. Filing Date: 31 March 2009
Priority Date: 31 March 2008
Attorney Docket No.: 60018300-0048-005
For: METHOD AND APPARATUS FOR SHIELDING MEDICAL PERSONNEL FROM RADIATION

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 21 March 2011 to accept the application without the signature of joint-inventor, Mark Fox.

BACKGROUND

On 31 March 2009, applicants filed international application PCT/US2009/039038 which claimed a priority date of 31 March 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 01 October 2010.

On 30 September 2010, applicants filed a Transmittal Letter for entry into the national stage accompanied, *inter alia,* by: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 22 October 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 14 January 2011, applicants submitted a declaration executed by one of the two inventors.[1]

[1]This declaration was executed by counsel, not inventor Mark A. Fox, and will not be considered. (See Petition dated 21 March 2011.)

On 21 February 2011, the United Stated Designated/Elected Office mailed a Notification of Defective Response indicating that the oath or declaration filed 14 January 2011 is not in compliance with 37 CFR 1.497(a).

On 21 March 2011, applicants filed the present petition under 37 CFR 1.47(a) and two-month extension of time.

DISCUSSION

Applicants claim that co-inventor Mark Fox refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the last known address of the nonsigning inventor on 02 July 2010. The documents provided to Mark Fox included instructions to sign and return the declaration. Further, the subject petition noted that the documents were received by Mark Fox on 05 July 2010. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. It is noted that the nonsigning inventor orally refused to execute the declaration in a telephone conversation. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as

having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration (21 March 2011) executed by one of two inventors and including an unsigned signature box identifying the nonsigning inventor (Mark Fox). This declaration is treated as having been executed by the available inventor on his behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Mark Fox under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (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
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Mark A. Fox
492 East Armstrong Road
Leesburg, IN 46538

MAILED
JUN 21 2011
PCT LEGAL ADMINISTRATION

In re Application of:
GOLDSTEIN et al.
Application No.: 12/935,722
PCT No.: PCT/US2009/039038
Int. Filing Date: 31 March 2009
Priority Date: 31 March 2008
Attorney Docket No.: 60018300-0048-005
For: METHOD AND APPARATUS FOR SHIELDING MEDICAL PERSONNEL FROM RADIATION

Dear Mark A. Fox:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
SNR Denton US LLP
P.O. Box #061080
Chicago, IL 60606-1080

Certificate of Electronic Transmission

I hereby certify that this correspondence is being electronically transmitted to the U.S. Patent and Trademark Office via EFS-WEB on October 25, 2010.

/William R. Allen/ October 25, 2010
William R. Allen, Ph.D. Reg. No, 48,389 Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Ib Svend Olesen
Serial No.:	12/935,728
Filed:	09-30-2010
Group Art Unit:	Unknown
Examiner:	Unknown
Confirmation No.:	6540
Title:	OPTICAL TRANSMISSION STRAIN SENSOR FOR WIND TURBINES
Attorney Docket:	VWS-165US

Cincinnati, Ohio 45202 October 25, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

Applicant hereby submits a statement to support Applicant's petition for the Green Technology Pilot Program, which is filed on even date herewith. The Applicant seeks special status because the invention disclosed and claimed in the present application materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements. The materiality standard is satisfied because the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements and/or the claimed invention

materially contributes to development of renewable energy or energy conservation and greenhouse gas emission reduction. Specifically, the claimed invention relates to wind turbines that operate using a renewable natural resource (wind) rather than fossil fuels and, more specifically, to methods and systems for registering events in a wind power system having several data processors. Wind turbine operation without the consumption of fossil fuels enhances the quality of the environment, contributes to the development of renewable energy, and reduces greenhouse gas emission.

Early and favorable consideration of Applicant's petition and this claims contained in this application are respectfully requested.

Applicant does not believe any fees are due in connection with filing this communication other than the publication fee. If, however, any fees are necessary as a result of this communication, the Commissioner is hereby authorized to charge any under-payment or fees associated with this communication or credit any over-payment to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/William R. Allen/
William R. Allen, Ph.D.
Reg. No, 48,389

2700 Carew Tower
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Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: VWS-165US	Application Number (if known):	Filing date: 09-30-2010

First Named Inventor: Ib Svend Olesen

Title: OPTICAL TRANSMISSION STRAIN SENSOR FOR WIND TURBINES

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /William R. Allen/	Date 10-25-2010
Name (Print/Typed) William R. Allen	Registration Number 48389

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☑ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/935,728	10/22/2010	Ib Svend Olesen	VWS-165US	6540

26875 7590 01/06/2011
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
01/06/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Commissioner for Patents
United States Patent and Trademark Office
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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:	
OLESEN, Ib Svend	:	DECISION ON PETITION
Application No. 12/935,728	:	TO MAKE SPECIAL UNDER
Filed: October 22, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **VWS-165US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed October 25, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent

Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the Technology Center Art Unit 2121 for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Eddie C. Lee at 571-272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

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:	12/935758	Filing date:	25-MAR-2009
First Named Inventor:	Brace, Thomas J		
Title of the Invention:	Pivot Assembly for Headgear		

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/US2009/038155

The international date of the corresponding PCT application(s) is/are: 25 March 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/935758
First Named Inventor:	Brace, Thomas J

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☒ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒ Are attached.

Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-17, 23-25	1-17, 23-25	same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Nicole J. Einerson/	Date October 15, 2010
Name (Print/Typed) Nicole J. Einerson	Registration Number 57,973

PCT/US2009/038155

OFFICE OF INTELLECTUAL PROPERTY COUNSEL
3M INNOVATIVE PROPERTIES COMPANY

From the NJE
INTERNATIONAL SEARCHING AUTHORITY

PATENT COOPERATION TREATY

To:

EINERSON NICOLE J.

3M CENTER OFFICE OF INTELLECTUAL PROPERTY COUNSEL POST OFFICE BOX 33427 SAINT PAUL MN 55133-3427 USA

PCT

INTERRED TO

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**02 DECEMBER 2009 (02.12.2009)**
Applicant's or agent's file reference 64128WO003	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/038155	**25 MARCH 2009 (25.03.2009)**	03 APRIL 2008 (03.04.2008)

International Patent Classification (IPC) or both national classification and IPC

A42B 3/04(2006.01)i, A42B 3/00(2006.01)i

Applicant

3M INNOVATIVE PROPERTIES COMPANY et al

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

CAP
DEC - 7 2009

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	06 OCTOBER 2009 (06.10.2009)	CHO, Sung Ho Telephone No.82-42-481-5615

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/038155

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

   a. type of material
   ☐ a sequence listing
   ☐ table(s) related to the sequence listing

   b. format of material
   ☐ on paper
   ☐ in electronic form

   c. time of filing/furnishing
   ☐ contained in the international application as filed.
   ☐ filed together with the international application in electronic form.
   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additioanl copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/038155

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	1-30	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-30	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-30	YES
	Claims	None	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 2001/0039671 A1
D2: KR 10-2001-0041780 A

1. Novelty and Inventive Step

1.1 Claims 1-14
Claim 1 of the present application relates to a pivot assembly for a headgear, comprising: a housing, a socket, a spring, and a post adapted to be coupled to the shield. The subject matter of claim 1 differs from that of the prior art documents in that a post is further included. And it is not obvious to a skilled person in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-14 are dependent on claim 1 and as such also meet the requirements of PCT Article 33(2) and (3).

1.2 Claims 15-24
Claim 15 of the present application relates to a pivot assembly for a headgear, comprising: a housing, a first aperture positioned, a second aperture positioned, a socket, a spring, and a post adapted to be coupled to the shield. The subject matter of claim 15 differs from that of the prior art documents in that a post is further included. And it is not obvious to a skilled person in the art by the documents, taken alone or in combination. Therefore, claim 15 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 16-24 are dependent on claim 15 and as such also meet the requirements of PCT Article 33(2) and (3).

1.3 Claim 25
Claim 25 of the present application relates to a headgear, comprising: a headtop, a shield, a housing, a socket, a spring, and a post adapted to be coupled to the shield. The subject matter of claim 25 differs from that of the prior art documents in that a post is further included. And it is not obvious to a skilled person in the art by the documents, taken alone or in combination. Therefore, claim 25 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

(Continued in Supplemental Box.)

Supplemental Box

In case **the space in any of the preceding boxes is not sufficient.**
Continuation of :

Box V.

1.4 Claims 26-30
Claim 26 of the present application relates to a method for coupling a shield of a headgear to a headtop of the headgear, comprising: providing a housing, moving a socket, providing a post, moving the post, and moving a spring. The subject matter of claim 26 differs from that of the prior art documents in that a step of providing a post is further included. And it is not obvious to a skilled person in the art by the documents, taken alone or in combination. Therefore, claim 26 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 27-30 are dependent on claim 26 and as such also meet the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-30 are industrially applicable under PCT Article 33(4).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/935,758	09/30/2010	Thomas J. Brace	64128US005	6774

32692 7590 12/15/2010
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER
YOON, JANE SUJIN

ART UNIT	PAPER NUMBER
3765	

NOTIFICATION DATE	DELIVERY MODE
12/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com
LegalDocketing@mmm.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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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of	:	
BRACE, THOMAS J.	:	DECISION ON REQUEST TO
Application No. 12/935,758	:	PARTICIPATE IN PATENT
Filed: Sep. 30, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 64128US005	:	PROGRAM AND PETITION
Title: PIVOT ASSEMBLY FOR HEADGEAR	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Oct. 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 KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Gary Welch, the SPE of Art Unit 3765 and 571-272-4996 for Class 002/008.2 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAILED

DEC 06 2010

PCT LEGAL ADMINISTRATION

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of	:	
KIM et al.	:	
Application No.: 12/935,779	:	DECISION ON
PCT No.: PCT/KR2009/001438	:	
Int. Filing Date: 20 March 2009	:	PETITION UNDER
Priority Date: 21 March 2008	:	
Attorney Docket No.: WPL0006US	:	37 CFR 1.137(b)
For: AGENT COMPRISING . . . WITH THE SAME	:	

This decision is in response to applicants' submission filed 30 September 2010.

The NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 mailed 19 October 2010 is **VACATED**. The 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 30 September 2010 indicated in the Notice is incorrect. A compliant declaration of inventors as required by 37 U.S.C. 371(c)(4) was not filed until 14 October 2010.

BACKGROUND

On 18 March 2009, applicants filed international application PCT/IB2009/051149 which designated the U.S. and claimed a priority date of 21 March 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) 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 21 September 2010.

On 30 September 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. basic national fee and a petition under 37 CFR 1.137(b).

On 14 October 2010, applicants filed a declaration of inventors.

On 19 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed Filing Receipt and a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 30 September 2010 and a 35 U.S.C. 371 date of 14 October 2010.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 30 September 2010.

As to item (2), applicant submitted the petition fee on 30 September 2010.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventors filed 14 October 2010 is in compliance with 37 CFR 1.497(a)-(b).

The petition to accept color drawings filed 30 September 2010 will be decided by the Technology Center. See MPEP § 1002.02(d).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparation and issuance of a new NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 14 October 2010 and a 35 U.S.C. 371 date of 14 October 2010 and a new Filing Receipt.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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:	12/935,826	Filing date:	September 30, 2010
First Named Inventor:	Jan Hendrik Lucas Bakker		
Title of the Invention:	CODING AND BEHAVIOR WHEN RECEIVING AN IMS EMERGENCY SESSION INDICATOR...		

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/US2009/045987

The international date of the corresponding PCT application(s) is/are: June 02, 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 EPO AND THE USPTO

(continued)

Application No.:	12/935,826
First Named Inventor:	Jan Hendrik Lucas Bakker

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 30, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
29	6	claim 6 has been rewritten in independent form as claim 29
44	21	claim 21 has been rewritten in independent form as claim 44

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /J. Robert Brown, Jr./	Date October 5, 2010
Name (Print/Typed) J. Robert Brown Jr.	Registration Number 45,438

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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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.
12/935,826	12/13/2010	Jan Hendrik Lucas Bakker	33520-US-PCT (4214-07809)	7300

30652 7590 04/28/2011
CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO, TX 75024

EXAMINER
LEE, BENJAMIN C

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
04/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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United States Patent and Trademark Office
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MAIL

APR 28 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO TX 75024

In re Application of	:	
BAKKER, JAN HENDRIK LUCAS et al	:	DECISION ON REQUEST TO
Application No. 12/935,826	:	PARTICIPATE IN PATENT
Filed: December 13, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 33520-US-PCT (4214-07809)	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed October 05, 2010 to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun;
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 5 above.

Regarding item 5, while applicants have indicated how claims 29 and 44 sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application, there is no indication of how the remaining claims 30-43 and 44-58 in the U.S. application sufficiently correspond to the claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, 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.

Any response must be submitted via EFS-web.

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

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:	12/935,826	Filing date:	September 30, 2010
First Named Inventor:	Jan Hendrik Lucas Bakker		
Title of the Invention:	Coding and Behavior When Receiving An IMS Emergency...		

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/US2009/045987

The international filing date of the corresponding PCT application(s) is/are: June 02, 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 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 30, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
29	6	claim 6 has been rewritten in independent form as claim 29
44	21	claim 21 has been rewritten in independent form as claim 44
30-43	6	claims of narrower scope depending from claim 29
45-58	21	claims of narrower scope depending from claim 44

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /J. Robert Brown, Jr./	Date 05/04/2011
Name (Print/Typed) J. Robert Brown, Jr.	Registration Number 45,438

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/935,826	12/13/2010	Jan Hendrik Lucas Bakker	33520-US-PCT (4214-07809)	7300

82313 7590 05/27/2011
Research in Motion Corp./CR
Attn: J. Robert Brown
5601 Granite Parkway, Suite 750
Plano, TX 75024

EXAMINER
LEE, BENJAMIN C

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
05/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

portfolioprosecution@rim.com
ConleyRoseReporting@dfw.conleyrose.com

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Research in Motion Corp./CR
Attn: J. Robert Brown
5601 Granite Parkway, Suite 750
Plano TX 75024

In re Application of	:	
BAKKER, JAN HENDRIK LUCAS et al	:	DECISION ON REQUEST TO
Application No. 12/935,826	:	PARTICIPATE IN PATENT
Filed: December 13, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 33520-US-PCT (4214-07809)	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed May 05, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s) and copies

of all of the documents cited in the international work products of the PCT application (unless copies have already been filed in the U.S. application) corresponding to the U.S. application except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot 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 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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Commissioner for Patents
United States Patent and Trademark Office
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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

MAILED

MAR 25 2011

PCT LEGAL ADMINISTRATION

In re Application of
BEILI, et al.
U.S. Application No.: 12/935,837
PCT No.: PCT/US2009/039828
International Filing Date: 07 April 2009
Priority Date: 07 April 2008
Attorney's Docket No.: P-70964-US
For: METHOD AND APPARATUS FOR RESILIENT CLOCK TRANSFER OVER MULTIPLE DSL LINES

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) And Petition for a Two-Month Extension of Time" filed on 21 February 2011 which is being treated as a Petition under 37 CFR 1.182, as explained below. The response (petition) seeks to correct the name of record for the inventor Moshe Nurko (as listed on the international application) to Mauricio Nurko (as listed on the declaration filed 21 February 2011). The required $400 petition has been charged to Deposit Account no. 50-3355.

BACKGROUND

On 07 April 2009, applicants filed international application PCT/US2009/039828 and claimed a priority date of 07 April 2008. The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 07 October 2010.

On 30 September 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee and a preliminary amendment.

On 21 October 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 21 February 2011, applicants filed the response considered herein including a signed declaration and power of attorney listing as the inventors in the application:

Edward Beili and Mauricio Nurko. Applicant indicates that the discrepancy of the first name of inventor Nurko between the published international application and the filed declaration was the "result of a clerical error."

DISCUSSION

In the published international application, the first inventor was identified as Moshe Nurko. On the declaration filed 21 February 2011, this inventor was identified as Mauricio Nurko. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

Applicants state that the error was due to a "clerical error." It is noted that clerical errors are not considered typographical or transliteration errors pursuant to MPEP §201.03. Further, in that this is clearly more than a mere typographical error or a phonetic misspelling of applicant's given name on the published international application, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition requires payment of the applicable $400 petition fee and statements from the inventor and any other person(s) having firsthand knowledge regarding the error/discrepancy in the inventor's name. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.[1]

Applicants' present petition included payment of the required petition fee. However, the response does not include the required statement from the inventor confirming his correct name and indicating that the listing of Moshe Nurko on the international application occurred without deceptive intent. Accordingly, on the present record, correction of the name of the first inventor from Moshe Nurko to Mauricio Nurko is not appropriate. The declaration filed 21 February 2011 therefore is defective for failure to properly identify the inventor of record herein.

---

[1] It is noted that, if the inventor's name has actually changed since the filing of the international application, then MPEP section 605.04(c) requires "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."

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

Any request for reconsideration on the merits must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any such response must include the statement required for a grantable petition under 37 CFR 1.182 regarding the change of the inventor's name. Failure to file a proper response in a timely manner will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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JUN 21 2011

PCT LEGAL ADMINISTRATION

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

In re Application of BEILI, et al. U.S. Application No.: 12/935,837 PCT No.: PCT/US2009/039828 International Filing Date: 07 April 2009 Priority Date: 07 April 2008 Attorney's Docket No.: P-70964-US For: METHOD AND APPARATUS FOR RESILIENT CLOCK TRANSFER OVER MULTIPLE DSL LINES	DECISION ON PETITION UNDER 37 CFR 1.182

This decision is in response to applicant's renewed petition under 37 CFR 1.182 filed 06 May 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 25 March 2011, 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 06 May 2011, applicant filed the renewed petition considered herein.

DISCUSSION

As detailed in the decision mailed 25 March 2011, The Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee 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.

The present petition is accompanied by a signed statement from inventor Nurko

detailing the discrepancies between the name on the filed international application and declaration and confirming that his correct name is that which appears on the executed declaration filed 21 February 2011. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is **21 February 2011**.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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48985
BRIDGESTONE AMERICAS, INC.
1200 Firestone Parkway
Akron, OH 44317

MAILED

DEC 02 2010

PCT LEGAL ADMINISTRATION

In re Application of
YAN *et al*
Application No.: 12/935,863
PCT No.: PCT/US2009/038809
Int. Filing Date: 30 March 2009
Priority Date: 31 March 2008
Attorney's Docket No.: P07022US3A
For: FUNCTIONALIZED POLYMERS AND PROCESSES FOR MAKING SAME

DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 30 September 2010, applicants filed papers electronically with the USPTO EFS-Web system to enter the national stage of PCT/US2009/038809 at 17:07:24 using attorney docket number P07022US3A. No fees were paid with this submission. This application was given U.S. application number 12/935,835.

A second set of national stage papers for PCT/US2009/038809 was filed at 18:07:49 on the same day using the same attorney docket number. The second filing was denoted as U.S. application number 12/935,863. Fees totaling $1,090.00 were provided in the second application.

On 25 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) for U.S. Application No. 12/935,863.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application of PCT/US2009/038809. The end result for an international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only; thus, only one national stage application may develop from an

international application. Both filings indicate that each filing is a "U.S. National Stage under 35 USC 371" of PCT/US2009/038809. No conflicting instructions appear in any of the application papers.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/US2009/038809 and denoted as U.S. application No. **12/935,863**.

Applicants must use only U.S. application No. **12/935,863** for all correspondence to the national stage application of PCT/US2009/038809.

Applicants are advised that U.S. application No. 12/935,835 is no longer a valid U.S. National stage application.

This application is being forwarded to the DO/EO/US for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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JAN 07 2011

PCT LEGAL ADMINISTRATION

CARR LLP
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS TX 75202

In re Application of Reid Application No. 12/935,876 PCT No.: PCT/EP2009/053869 Int. Filing Date: 01 April 2009 Priority Date: 01 April 2008 Atty. Docket No.: MSEIP 4280002 For: Sequential Image Generation	DECISION ON PETITION UNDER 37 CFR 1.182

This is in response to the petition under 37 CFR 1.182 filed on 08 November 2010.

BACKGROUND

International application PCT/EP2009/053869 was filed on 01 April 2009, claimed an earlier priority date of 01 April 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 08 October 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 01 October 2010. Applicants paid *inter alia* the basic national fee in 12/935,876 on 30 September 2010.

DISCUSSION

Petitioner requests conversion of this application from the status of a national stage application under 35 U.S.C. 371 to that of an application filed under 35 U.S.C. 111(a).

Review of the record reveals that the Electronic Acknowledgment Receipt associated with the correspondence filed on 30 September 2010 via EFS-Web indicates the instant application to be a national stage under 35 U.S.C. 371 of "PCT/EP09/53869." Inspection of the Transmittal Letter filed on that date reveals that it also indicated that PCT/EP2009/053869 was to enter the national stage in the United States under 35 U.S.C. 371. The accompanying Electronic Patent Application Fee Transmittal sheet shows that fees pertaining to a national stage application were paid.

As described at MPEP 1893.03(a), the USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent

Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.

To clearly indicate an international application is being filed under 35 U.S.C. 371 the applicant should use the "Transmittal Letter for United States Designated Office" (Form PTO-1390) as the transmittal letter.

Alternatively, one of the following indications may be used:

1) the applicant shall clearly state in the transmittal or cover letter that he or she is filing under 35 U.S.C. 371 or entering the national stage under PCT; or

2) the applicant clearly identifies in the oath or declaration the specification to which it is directed by referring to a particular international application by PCT Serial Number and International Filing Date and that he or she is executing the declaration as, and seeking a U.S. Patent as, the inventor of the invention described in the identified international application.

If there are any conflicting instructions as to which section of the statute (371 or 111(a)) is intended the application will be accepted under 35 U.S.C. 111(a).

As described above, review of the instant application file reveals that it was indicated to be intended as a national stage application under 35 U.S.C. 371, and that no contrary instructions were present as of 30 September 2010. Under the policy referenced above, this application properly should be processed under 35 U.S.C. 371. Applicants are advised that the U.S. statutes and Regulations do not specifically provide for the requested action, and as such the Office does not grant petitions for conversion as a matter of course. Since applicants have not shown sufficient cause (e.g., loss of rights) or lack of availability of an alternative remedy, it would be appropriate, and consistent with the policy considerations described above, to continue processing this application under 35 U.S.C. 371.

DECISION

The petition is **DISMISSED**, without prejudice.

No response to this Decision is required. If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time 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.

This application will be returned to the Office of Patent Application Processing for continued processing as the national stage under 35 U.S.C. 371 of PCT/EP2009/053869.

/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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INGRASSIA FISHER & LORENZ, P.C. (GME)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

MAILED
JUL 20 2011
PCT LEGAL ADMINISTRATION

In re Application of
MOHLIN, Mikael et al.
Application No.: 12/935,885
PCT No.: PCT/EP2009/002305
Int. Filing Date: 30 March 2009
Priority Date: 31 March 2008
ATTY Docket No.: 060.0457US
For: DOUBLE-CLUTCH TRANSMISSION FOR VEHICLES

DECISION

This decision is in response to applicant's REQUEST FOR CORRECTED FILING RECEIPT filed in the United States Patent and Trademark Office (USPTO) on 20 April 2011.

BACKGROUND

On 30 March 2009, applicant filed international application, PCT/EP2009/002305, which claimed priority of earlier European applications filed 31 March 2008.

On 30 September 2010, applicant filed national stage papers with the United States Designated/Elected Office (DO/EO/US).

On 23 March 2011, the DO/EO/US mailed both a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and a Filing Receipt.

On 20 April 2011, the applicant filed the instant Request for Corrected Filing Receipt.

Application No.: 12/935,885

DISCUSSION

Applicant requests acknowledgement of 26 priority claims not listed on the Filing Receipt filed 23 March 2011.

Due to USPTO computer system limitations, only 20 priority claims can be listed on a filing receipt. The entire set of 46 priority claims has been captured in the Office's internal Patent Application Location and Monitoring (PALM) system and is viewable in the Patent Application Information Retrieval (PAIR) system.

CONCLUSION

For the reasons detailed above, applicant's Request for a Corrected Filing Receipt, which lists all 46 priority claims, is hereby **DISMISSED.**

Any further correspondence with request 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.

Shane Thomas
PCT Legal Detailee
Office of PCT Legal Administration
Tel: (571) 272-6095

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12935918	01 October, 2010	TAKAHASHI ET AL.	IWI-33939

		EXAMINER	
RANKIN, HILL & CLARK LLP 23755 Lorain Road - Suite 200 North Olmsted, OH 44070-2224			
		ART UNIT	PAPER
			20110715-1

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

PTO-90C (Rev.04-03)

UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 15 2011

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RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted, OH 44070-2224

In re Application of	:	DECISION ON REQUEST TO
TAKAHASHI ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/935,918	:	PROSECUTION HIGHWAY
Filed: October 1, 2010	:	PROGRAM AND PETITION
Attorney Docket No. IWI-33939	:	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

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:	12/935,921	Filing date:	October 01, 2010
First Named Inventor:	Vladimir MILOSAVLJEVIC		
Title of the Invention:	QUARLS IN A BURNER		

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/EP2009/053560

The international date of the corresponding PCT application(s) is/are: March 26, 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.:	12/935,921
First Named Inventor:	Vladimir MILOSAVLJEVIC

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 01, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 01, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
8	1	US claim as per Preliminary Amendment filed Oct. 01, 2011
9	2	US claim as per Preliminary Amendment filed Oct. 01, 2011
10	3	US claim as per Preliminary Amendment filed Oct. 01, 2011
11	3	US claim as per Preliminary Amendment filed Oct. 01, 2011
12	4	US claim as per Preliminary Amendment filed Oct. 01, 2011
13	5	US claim as per Preliminary Amendment filed Oct. 01, 2011
14	6	US claim as per Preliminary Amendment filed Oct. 01, 2011
15	7	US claim as per Preliminary Amendment filed Oct. 01, 2011

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Tina Gonka/	Date	February 08, 2011
Name (Print/Typed)	Tina Gonka	Registration Number	L0623

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/935,921	10/01/2010	Vladimir Milosavljevic	2008P05921WOUS	8569

22116 7590 02/09/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
02/09/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of	:
MILOSAVLJEVIC, VLADIMIR	: DECISION ON REQUEST TO
Application No. 12/935,921	: PARTICIPATE IN PATENT
Filed: Oct. 1, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. 2008P05921WOUS	: PILOT PROGRAM AND PETITION
For: QUARLS IN A BURNER	: 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. 8, 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 Michael Cuff, the SPE of Art Unit 3741 and (571)272-6778 for Class 60/737 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)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/935,923	Filing date:	October 01, 2010
First Named Inventor:	Vladimir MILOSAVLJEVIC		
Title of the Invention:	SIZE SCALING OF A BURNER		

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/EP2009/053555

The international date of the corresponding PCT application(s) is/are: March 26, 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 EPO AND THE USPTO

(continued)

Application No.:	12/935,923
First Named Inventor:	Vladimir MILOSAVLJEVIC

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 01, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 01, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
5	1	US claim as per Preliminary Amendment filed Oct. 01, 2010
6	2	US claim as per Preliminary Amendment filed Oct. 01, 2010
7	3	US claim as per Preliminary Amendment filed Oct. 01, 2010
8	4	US claim as per Preliminary Amendment filed Oct. 01, 2010

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Tina Gonka/	Date February 08, 2011
Name (Print/Typed) Tina Gonka	Registration Number L0623

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/935,923	10/01/2010	Vladimir Milosavljevic	2008P05922WOUS	8581

22116 7590 02/09/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
02/09/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of	:
MILOSAVLJEVIC, VLADIMIR	: DECISION ON REQUEST TO
Application No. 12/935,923	: PARTICIPATE IN PATENT
Filed: Oct. 1, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. 2008PO5922WOUS	: PILOT PROGRAM AND PETITION
For: SIZE SCALING OF A BURNER	: 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. 8, 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 Steve McAllister, the SPE of Art Unit 3749 and (571)272-6785 for Class 431/2 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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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:	12/935,939	Filing date:	December 28, 2010
First Named Inventor:	Vladimir MILOSAVLJEVIC		
Title of the Invention:	SWIRLER WITH GAS INJECTORS		

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/EP2009/053563

The international date of the corresponding PCT application(s) is/are: March 26, 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
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.:	12/935,939
First Named Inventor:	Vladimir MILOSAVLJEVIC

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 01, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 01, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
9	1	US claim as per Preliminary Amendment filed Oct. 01, 2010
10	2	US claim as per Preliminary Amendment filed Oct. 01, 2010
11	3	US claim as per Preliminary Amendment filed Oct. 01, 2010
12	4	US claim as per Preliminary Amendment filed Oct. 01, 2010
13	5	US claim as per Preliminary Amendment filed Oct. 01, 2010
14	6	US claim as per Preliminary Amendment filed Oct. 01, 2010
15	7	US claim as per Preliminary Amendment filed Oct. 01, 2010
16	8	US claim as per Preliminary Amendment filed Oct. 01, 2010

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Tina Gonka/	Date February 9, 2011
Name (Print/Typed) Tina Gonka	Registration Number L0623

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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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.
12/935,939	12/28/2010	Vladimir Milosavljevic	2008P05929WOUS	8670

22116 7590 03/10/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

ART UNIT	PAPER NUMBER
3752	

MAIL DATE	DELIVERY MODE
03/10/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of MILOSAVLJEVIC, VLADIMIR et al Application No. 12/935,939 Filed: Dec. 28, 2010 Attorney Docket No. 2008P05929WOUS For: SWIRLER WITH GAS INJECTORS	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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 Len Tran, the SPE of Art Unit 3752 and (571)272-1184 for Class 239/399 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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WINSTEAD PC
P.O. BOX 131851
DALLAS TX 75313

MAILED
FEB 09 2012
OFFICE OF PETITIONS

Applicant: Sebastian Loeda
Appl. No.: 12/936,023
International Filing Date: March 25, 2009
Title: CRYSTAL OSCILLATOR CLOCK CIRCUIT
Attorney Docket: 51026-P053WOUS
Pub. No.: US 20110260803 A1
Pub. Date: October 27, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 28, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment filed with the application on October 1, 2010 was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification

[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).

under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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:	12936024	Filing date:	01-Oct-2010
First Named Inventor:	Onofrio Acone		
Title of the Invention:	Bottle labels		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/IB2009/006774

The international date of the corresponding PCT application(s) is/are: 07-Sep-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.:	12936024
First Named Inventor:	Onofrio Acone

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 01-Oct-2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same claim except amended to conventional U.S. format
2	2	Same claim except amended to conventional U.S. format
3	3	Same claim except amended to conventional U.S. format
4	4	Same claim except amended to conventional U.S. format
5	5	Same claim except amended to conventional U.S. format
6	6	Same claim except amended to conventional U.S. format
7	7	Same claim except amended to conventional U.S. format
8	8	Same claim except amended to conventional U.S. format
9	9	Same claim except amended to conventional U.S. format

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Franco A. Serafini/	Date 26-Oct-2010
Name (Print/Typed) Franco A. Serafini	Registration Number 52,207

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.
12/936,024	10/01/2010	Onofrio Aconc	10164.00002	9181

39232 7590 02/22/2011
Themis Law
7979 Ivanhoe Ave Ste 400
La Jolla, CA 92037

EXAMINER
LONEY, DONALD J

ART UNIT	PAPER NUMBER
1783	

NOTIFICATION DATE	DELIVERY MODE
02/22/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

contact@themisipc.com

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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FEB 22 2011

CT

In re application of Onofrio Acone et al Serial No. 12/936,024 Filed: October 1, 2010 For: BOTTLE LABELS	:	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 October 26, 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DAVIS WRIGHT TREMAINE LLP - SAN FRANCISCO
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO, CA 94111

MAILED

NOV 10 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	
ENAN, Essam	:	
US Application No.: 12/936,039	:	DECISION
PCT Application No.: PCT/US2009/37733	:	
Int. Filing Date: 19 March 2009	:	
Priority Date: 19 March 2008	:	UNDER
Atty Docket No.: 0088524-022US0	:	
For: PEST CONTROL COMPOSITIONS AND	:	
METHODS	:	37 CFR 1.137(b)
	:	

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DEISGNATED THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 01 October 2010.

BACKGROUND

Applicant filed international application, PCT/US2009/37733, on 19 March 2009. The international application became abandoned at midnight on 20 September 2010 based on applicants' failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.

On 01 October 2010, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 CFR 1.137(b).

On 21 October 2010, the DO/EO/US mailed "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) requesting the oath or declaration.

Application No.: 12/936,039

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived under the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the $1620 petition fee has been paid

Regarding item (3), the requisite statement has been provided.

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, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision.

The response period set forth in the Notification of Missing Requirement is hereby reset to begin from the mailing date of this decision.

Shian Luong
Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557

Richard Cole
Senior Legal Examiner
Office of PCT Legal Administration

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NOV 16 2010

PCT LEGAL ADMINISTRATION

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
TANBA, et al.	:	
U.S. Application No.: 12/936,077	:	DECISION ON PETITION
PCT No.: PCT/JP2009/056490	:	
Int. Filing Date: 30 March 2009	:	UNDER 37 CFR 1.137(b)
Priority Date: 31 March 2008	:	
Attorney Docket No.: 1011320-000018	:	
For: HYBRID POWER DRIVE SYSTEM	:	

The petition to revive under 37 CFR 1.137(b) filed 01 October 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
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Decision Date : April 18, 2012

In re Application of :

Daniel Yokell

Application No : 12936083

Filed : 10-Jan-2011

Attorney Docket No : 346715-0734

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 18, 2012

The request is **APPROVED.**

The request was signed by Michel Morency (registration no. 50183) on behalf of all attorneys/agents associated with Customer Number 48329 . All attorneys/agents associated with Cusotmer Number 48329 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Mr. John Garvey
Name2	K&L Gates
Address 1	One Lincoln Street
Address 2	
City	Boston
State	MA
Postal Code	02111
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12936083
Filing Date	10-Jan-2011
First Named Inventor	Daniel Yokell
Art Unit	3735
Examiner Name	CHARLES MARMOR II
Attorney Docket Number	346715-0734
Title	RADIOLABELED TREATMENT INFUSION SYSTEM, APPARATUS, AND METHODS OF USING THE SAME

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 48329

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Mr. John Garvey K&L Gates
Address	One Lincoln Street
City	Boston
State	MA
Postal Code	02111
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Michel Morency/
Name	Michel Morency
Registration Number	50183

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JAN 27 2011
PCT LEGAL ADMINISTRATION

OPPENHEIMER WOLFF & DONNELLY LLP
45 SOUTH SEVENTH STREET, SUITE 3300
MINNEAPOLIS MN 55402

In re Application of:	:	
MAHONEY, Paul, James, et al.	:	DECISION
U.S. Application No.: 12/936,084	:	(37 CFR 1.181)
PCT No.: PCT/US2008/059409	:	
International Filing Date: 04 April 2008	:	
Priority Date: 04 April 2008	:	
Attorney's Docket No.: 8929-3301/US	:	
For: SYSTEM AND METHOD FOR IMPROVED PRESSURE ADJUSTMENT	:	

This decision is issued in response to the "Transmittal In Response To Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office" filed 09 November 2010, treated herein as a petition under 37 CFR 1.181 requesting acceptance of the declaration filed on 01 October 2010. No petition fee is required.

BACKGROUND

On 04 April 2008, applicants filed international application PCT/US2008/059409. The international application did not claim an earlier priority date, and it designated the United States. The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 04 October 2010.

On 01 October 2010, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee, an application data sheet (ADS), and an executed declaration.

On 22 October 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 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 01 October 2010 was defective because the declaration was "not executed in accordance with 37 CFR 1.66 or 37 CFR 1.68."

On 09 November 2010, applicants filed the "Transmittal In Response To Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office" considered herein, accompanied by a copy of the previously filed declaration.

DISCUSSION

In the present submission, applicants assert that the declaration filed on 01 October 2010 was properly executed by each of the inventors and satisfies the requirements of 37 CFR 1.497. A review of the declaration filed on 01 October 2010 confirms that the declaration was properly executed by each of the three inventors of record in compliance with 37 CFR 1.68, identifies the application to which it is directed by the international application number listed on the first page, and includes all other information required by 37 CFR 1.497(a) and (b), including the citizenship of each inventor. Accordingly, as asserted by applicants in the present submission, the declaration originally filed on 01 October 2010 is acceptable in compliance with 37 CFR 1.497. Because the acceptable declaration was filed prior to the expiration of the thirty month deadline, the $130 surcharge for filing the declaration later than thirty months after the priority date is not required in the present case.

The "Notification Of Missing Requirements" issued 22 October 2010, based as it was on the purported failure of the declaration filed on 01 October 2010 to be executed in compliance with 37 CFR 1.66 or 1.68, is appropriately vacated.

CONCLUSION

The petition under 37 CFR 1.181 for acceptance under 37 CFR 1.497 of the declaration filed on 01 October 2010 is **GRANTED**.

The "Notification Of Missing Requirements" (Form PCT/DO/EO/905) issued 22 October 2010 is hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 01 October 2010.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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53666
BRAKE HUGHES BELLERMANN LLP
c/o CPA Global
P.O. Box 52050
Minneapolis, MN 55402

MAILED

MAR 01 2011

PCT LEGAL ADMINISTRATION

In re Application of
VON BRANDT *et al*
U.S. Application No.: 12/936,115
PCT No.: PCT/IB2009/005681
Int. Filing Date: 03 April 2009
Priority Date: 04 April 2008
Docket No.: 0051-071001/2008P02773WOUS
For: ACTION TIMES FOR HANDOVER OF MOBILE STATIONS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 29 October 2010 is hereby **GRANTED** as follows:

The U.S. Basic National fee and the petition fee have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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53666
BRAKE HUGHES BELLERMANN LLP
c/o CPA Global
P.O. Box 52050
Minneapolis, MN 55402

MAILED
DEC 06 2011
PCT LEGAL ADMINISTRATION

In re Application of
VON BRANDT *et al*
U.S. Application No.: 12/936,115
PCT No.: PCT/IB2009/005681
Int. Filing Date: 03 April 2009
Priority Date: 04 April 2008
Docket No.: 0051-071001/2008P02773WOUS
For: ACTION TIMES FOR HANDOVER OF MOBILE STATIONS

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the response filed 14 October 2011 which is treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 01 October 2010, applicants filed papers to enter the national stage of PCT/IB2009/005681.

On 11 March 2011, a preliminary amendment was filed.

On 15 March 2011, 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). Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 02 August 2011, applicants filed a response which included an IDS and other foreign priority information.

On 12 September 2011, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed stating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was still required. Applicants were given one month to respond, or any time remaining on the Form PCT/DO/EO/905, whichever was longer.

On 14 October 2011, applicants filed the subject response which was accompanied by, *inter alia*, a consent statement, a statement by three inventors being removed, a statement under 37 CFR 3.73(b), and a copy of an assignment.

On 17 October 2011, applicants filed a five-month extension and extension fee.

DISCUSSION

The international application (PCT/IB2009/005681) names seven inventors. Applicants request to remove Sandro GRECH, Roman PICHNA and Aik CHINDAPOL as inventors in the subject application pursuant to 37 CFR 1.497(d), due to the filing of a preliminary amendment on 11 March 2011 cancelling several claims.

A petition under 37 CFR 1.497(d) is not appropriate in this case.

Under 37 CFR 1.41(a)(4), the inventorship of the 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*. An oath or declaration reflecting the international stage inventorship (all seven inventors) is required.

Should applicants need to change the inventorship in the national stage application on account of a preliminary amendment, that can be done with a petition under 37 CFR 1.48(b), **AFTER** the application satisfies the requirements for entry into the national stage, including a declaration in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

For the reasons discussed above, applicants petition under 37 CFR 1.497(d) is **DISMISSED**.

An oath or declaration in compliance with 37 CFR 1.497(a) and (b) is required within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Failure to timely file the proper response will result in abandonment of this application.

Any further correspondence may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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KAREN LAI
DAVIS WRIGHT TREMAINE LLP - SAN FRANCISCO
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO, CA 94111

MAILED
NOV 17 2010
PCT LEGAL ADMINISTRATION

In re Application of ENAN, ESSAM Application No.: 12/936,133 PCT No.: PCT/US2009/037735 Int. Filing Date: 19 March 2009 Priority Date: 19 March 2008 Attorney Docket No.: 0088524-024US0 For: PEST CONTROL USING NATURAL PEST CONTROL AGENT BLENDS	DECISION UNDER 37 C.F.R. 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 01 October 2010.

BACKGROUND

On 19 March 2009, applicant filed international application PCT/US2009/037735. 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 20 September 2010.

On 01 October 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, inter alia, the basic national fee required by 35 U.S.C. 371 (c)(1) and a petition to revive the present application.

Application No.: 12/936,133

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) any terminal disclaimer if the application was filed before 08 June 1995.

Regarding item (1), applicant has provided the required reply.

Regarding item (2), applicant has provided the required petition fee.

Regarding item (3), applicant has provided the statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reason above, applicants' petition under 37 CFR 1.137(b) is **GRANTED.**

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision, including Notification of Missing Requirement (PCT/DO/EO/905) for an oath.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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:	12/936,135	Filing date:	October 1, 2010
First Named Inventor:	JUNICHI REKIMOTO		
Title of the Invention:	INFORMATION PROCESSING DEVICE, PROGRAM, INFORMATION PROCESSING METHOD AND INFORMATION PROCESSING 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/JP2009/057105**

The international date of the corresponding PCT application(s) is/are: **April 7, 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.**

REQUEST FOR PARTICIPATION IN THE (PCT-PPH) PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No:	**12/936,135**
First Named Inventor:	**JUNICHI REKIMOTO**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached.
☒ Has already been filed in the above-identified U.S. application on **October 1, 2010**.

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.
☒ Have already been filed in the above-identified U.S. application on **October 1, 2010**.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	2	Claims are substantially the same.
2 (cancelled)	N/A	Claim 2 in US Application is cancelled.
3	3	Claims are substantially the same, except for claim dependency
4	4	Claims are substantially the same, except for claim dependency
5	5	Claims are substantially the same.
6 (cancelled)	N/A	Claim 6 in US Application is cancelled.
7 (cancelled)	N/A	Claim 7 in US Application is cancelled.
8 (cancelled)	N/A	Claim 8 in US Application is cancelled.
9 (cancelled)	N/A	Claim 9 in US Application is cancelled.
10	5	Claims are substantially the same.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/David W. Hill/	Date	**October 4, 2010**
Name (Print/Typed)	**David W. Hill**	Registration Number	**28,220**

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.
12/936,135	11/12/2010	Junichi Rekimoto	09812.1649	9940

22852 7590 03/02/2011
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
03/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

MAR 02 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of	:	
REKIMOTO, JUNICHI	:	DECISION ON REQUEST TO
Application No. 12/936,135	:	PARTICIPATE IN PATENT
Filed: November 12, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 09812.1649	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed October 04, 2010 to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition is deficient as follows:

Petitioner has not complied with items 2 and 4 above.

Regarding item 2, a review of the file record indicates a copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability is not of record in the file. Therefore, a copy of latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability must be provided.

Regarding item 4, an English translation of the document in item (2) (if the document is not in the English language) must also be 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 with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

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

PATENT
Attorney Docket No. 09812.1649
CUSTOMER NUMBER 22,852

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: **Junichi REKIMOTO**	)	
	)	Group Art Unit: **2617**
Application No.: **12/936,135**	)	
	)	Examiner: **Dwayne D. BOST**
Filed: **November 12, 2010**	)	
	)	Confirmation No.: **9940**
For: **INFORMATION PROCESSING DEVICE, PROGRAM, INFORMATION PROCESSING METHOD AND INFORMATION PROCESSING SYSTEM**	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102(a)

Sir:

In response to the Decision on Request to Participate in Patent Prosecution Highway Program and Petition to Make Special Under 37 C.F.R. 1.102(a) mailed March 2, 2011, Applicants respectfully submit a copy of the Written Opinion of the International Searching Authority (and English-language translation thereof) issued June 2, 2009, in international application no. PCT/JP2009/057105, from which this application is derived.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: April 4, 2011

By: _____
David W. Hill
Reg. No. 28,220

ERNEST F. CHAPMAN
Reg. No. 25,961

Enclosures
DWH/FPD/tlm

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
亀谷　美明
様

あて名
〒160-0004
日本国東京都新宿区四谷３－１－３　第一冨澤ビル
はづき国際特許事務所　四谷オフィス

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)	０２．０６．２００９
出願人又は代理人 の書類記号　S09P0614W000	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／ＪＰ２００９／０５７１０５	(日.月.年)　０７．０４．２００９	(日.月.年)　１８．０４．２００８

国際特許分類（ＩＰＣ）Int.Cl. H04W4/04(2009.01)i, G01S5/14(2006.01)i, G06F17/30(2006.01)i, H04W64/00(2009.01)i

出願人（氏名又は名称）
ソニー株式会社

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
２５．０５．２００９

名称及びあて先	特許庁審査官（権限のある職員）	５Ｊ	９８５５
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	遠山　敬彦 電話番号　０３－３５８１－１１０１　内線　３５３４		

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／JP2009／057105

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／JP2009／057105

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	2-5	有
	請求項	1, 6-9	無
進歩性（IS）	請求項	2-5	有
	請求項	1, 6-9	無
産業上の利用可能性（IA）	請求項	1-9	有
	請求項		無

2. 文献及び説明

文献1：
JP 2004-350088 A（日本電気株式会社）2004.12.09, 90-93,114,126段落、図8,9,12 & US 2004/0258012 A1 & EP 1480483 A2 & CN 1575017 A

文献2：
JP 2002-223218 A（株式会社東芝）2002.08.09, 要約、31-49段落、図2,4,6,11（ファミリーなし）

請求の範囲1, 6-9
請求の範囲1,6-9にかかる発明は文献1の記載に基づき新規性・進歩性を有しない。請求の範囲9にかかる発明は文献2に記載された発明に基づき新規性・進歩性を有しない。
文献1には、基地局からの電波の測定状況に基づいて位置を推定する方法において、より正確に位置を推定するために、測定した位置情報(本国際出願の第2の測定情報)に加えて、建物のフロア情報(本国際出願の区画情報)及び事前に建物内の電波状況(本国際出願の第1の測定情報)を参照する技術が記載されており、請求の範囲1,6-9にかかる発明は新規性・進歩性を有しない。
文献2には、位置に関する情報と、当該位置における無線通信品質にかかる情報を対応づけて記憶することが記載されており、請求の範囲9にかかる発明は文献2に記載された発明に基づき、新規性・進歩性を有しない。

請求の範囲2-5
請求の範囲2-5にかかる発明は、文献1,2のいずれにも記載されておらず、新規性進歩性を有する。

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)*	02. 06. 2009
Applicant's or agent's file reference S09P0614WO00	FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/057105	07. 04. 2009	18. 04. 2008

International Patent Classification (IPC) or both national classification and IPC

H04W4/04(2009.01)I, G01S5/14(2006.01)I, G06F17/30(2006.01)I, H04W64/00(2009.01)I

Applicant

SONY 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 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.	25. 05. 2009	Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/057105

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/JP2009/057105

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	2-5	YES
	Claims	1, 6-9	NO
Inventive step (IS)	Claims	2-5	YES
	Claims	1, 6-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations:

Document 1:
JP 2004-350088 A (NEC Corporation) 2004.12.09, Paragraphs 90-93,114,126, FIGS. 8,9, 12 & US 2004/0258012 A1 & EP 1480483 A2 & CN 1575017A

Document 2:
JP 2002-223218 A (TOSHIBA Corporation) 2002.08.09, Abstract, Paragraphs 31-49, FIGS. 2,4,6,11 (No patent family)

Claims 1 and 6 to 9
The invention as in claims 1 and 6 to 9 is not novel and does not involve an inventive step in the light of Document 1 cited. The invention as in claims 9 is not novel and does not involve an inventive step in the light of Document 2 cited.
Document 1 describes a technology of a method for estimating a position based on a status of measurement of radio waves from a base station, in which for the purpose of more precise estimation of the position, in addition to the measured position information (the second measurement information of the present international application), floor information of a building (section information of the present international application) is referred, and which the status of radio waves in the building (the first measurement information of the present international application) is referred in advance. Therefore, the invention as in claims 1 and 6 to 9 is not novel and does not involve an inventive step.
Document 2 describes that storing information relating to a position in association with information relating to the quality of radio communication at the position. Therefore, the invention as in claims 9 is not novel and does not involve an inventive step in light of Document 2 cited.

Claims 2 to 5
The invention as in claims 2 to 5 is not described neither in Documents 1 nor 2, therefore it is novel and involves an inventive step.

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.
12/936,135	11/12/2010	Junichi Rekimoto	09812.1649	9940

22852 7590 05/26/2011
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
05/26/2011	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
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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of	:	
REKIMOTO, JUNICHI et al.	:	DECISION ON REQUEST TO
Application No. 12/936,135	:	PARTICIPATE IN PATENT
Filed: October 01, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 09812.1649	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed April 04, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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
www.uspto.gov

Pepper Hamilton LLP
400 Berwyn Park
899 Cassatt Road
Berwyn, PA 19312-1183

MAILED

DEC 01 2011

OFFICE OF PETITIONS

In re Application of Weiner et al.	:	
Application No. 12/936,192	:	
Int'l Filing Date: April 6, 2009	:	Decision on Request
Attorney Docket No. 133172.03201	:	
Pub. No.: US 2011/0104105 A1	:	
Pub. Date: May 5, 2011	:	

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed June 16, 2011.

The request is **dismissed**.

Applicants request the application be republished because of the mistake in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

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

[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 technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. *See* MPEP § 1130(B). Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and 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

Patent claims

1. Transparent pane with an electrically heatable coating, which extends over a major part of the surface area of the window and is electrically connected to at least two low-impedance bus bars lying opposite one another, at least one conducting structure (4G, 5G) only covering the heating area outside a central viewing area, in order to shorten electrically the distance between the bus bars (4, 5), and in that the current flows in the part of the heating area that is not covered by at least one conducting structure (4G, 5G).

2. Pane according to Claim 1, wherein the edge is covered at least over part of its periphery, in particular in the region of the bus bars (4, 5), by an opaque colour layer (3), wherein the further conducting structures (4G, 5G) extend beyond the surface area that is covered by the colour layer into the viewing area of the pane.

3. Pane according to Claim 1, wherein the conducting structure (4G, 5G) is homogeneous over the width (B).

4. Pane according to one of the preceding claims, wherein the conducting structures (4G, 5G) are formed as printed uniform patterns, and as lines and/or as wires.

5. Pane according to Claim 4, wherein lines or wires of no more than 0.5 mm, preferably no more than 0.3 mm, in width or thickness, are projected over the surface area of the pane, the conducting structures (4G, 5G) are formed as points, squares, circles, quadrilaterals, lines or touching lines.

6. Pane according to one of the preceding claims, wherein the bus bars (4, 5) are produced by printing and/or from metal foils.

7. Pane according to Claim 6, wherein printed bus bars (4, 5) are printed onto the respective substrate before or after the coating is applied.

8. Pane according to Claim 6, wherein bus bars (4, 5) produced from metal foils are electrically connected to the coating and to the further conducting structures (4G, 5G) by soldering at least at discrete contact points.

9. Pane according to one of the preceding claims, wherein the further conducting structures (4G, 5G) are arranged at uniform or non-uniform distances from one another.

10. Pane according to one of the preceding claims, wherein the further conducting structures (4G, 5G) are configured all with the same length or with different lengths.

11. Pane according to one of the preceding claims, wherein the further conducting structures (4G, 5G) are arranged only over part of the longitudinal extent of one or both bus bars (4, 5).

12. Pane according to one of the preceding claims, wherein the further conducting stuctures (4G, 5G) are configured as lines, open or closed loops, straight lines, arcs and/or meanders.

13. Pane according to one of the preceding claims in a configuration as a vehicle windscreen, wherein the further conductor elements extend at most to the

limit of the standardized A viewing area of this windscreen.

14. Pane according to one of the preceding claims, wherein at least along its upper edge there extending a tinted colour strip, which at least partially covers conducting structures (4G) arranged there.

15. Pane according to one of the preceding claims, wherein at least one non-printed region is provided in the conducting structures.

16. Pane according to one of the preceding claims, wherein the surface of the conductor elements have circular, inversely circular, chequerboard, checked structures, zigzag structures, checks and squares.

17. Laminated pane according to one of the preceding claims comprising two rigid sheets (1.1, 1.2) of glass and/or plastic and/or a plastic film (1.3), wherein the electrically heatable coating (2), the bus bars (4, 5) and the low-impedance conducting structure or structures (4G, 5G) are arranged on surface areas of the sheet that are lying inside the laminated structure.

18. Laminated pane according to Claim 16, wherein a conductive glass coating 1.4, a printed, low-impedance conducting structure 1.5, a plastic film 1.2 and a nonconductive black print 1.6 are contained between an inner side 1.2 and an outer side 1.1.

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 VE 1161 PCT	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/EP2009/002094	International filing date *(day/month/year)* 21 March 2009 (21.03.2009)	Priority date *(day/month/year)* 10 April 2008 (10.04.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SAINT-GOBAIN GLASS FRANCE		

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 7 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☒	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 12 October 2010 (12.10.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Agnes Wittmann-Regis e-mail: pt06.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP2009/002094	21.03.2009	10.04.2008

International Patent Classification (IPC) or both national classification and IPC
INV. C03C17/36 C03C27/12 H05B3/84 B32B17/10

Applicant
SAINT-GOBAIN GLASS FRANCE

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Lindner, Thomas Telephone No. +49 89 2399-8976

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/002094

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	4,5,8,12,14-16,18
	No:	Claims	1-3,6,7,9-11,13,17
Inventive step (IS)	Yes:	Claims	4-8,12,15,16
	No:	Claims	1-3,6,7,9-11,13,14,17
Industrial applicability (IA)	Yes:	Claims	1-18
	No:	Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

1. Reference is made to the following documents:
D1 : US 5 099 105 A (GOERENZ WALTER [DE] ET AL) 24 March 1992 (1992-03-24)
D2 : EP 0 410 952 A (MONSANTO CO [US]) 30 January 1991 (1991-01-30)
D3 : US 2003/146199 A1 (SOL JEAN-MARC [FR] ET AL) 7 August 2003 (2003-08-07)
D4 : US 4 778 732 A (HASEGAWA JUN [JP] ET AL) 18 October 1988 (1988-10-18)
D5 : US 2004/086652 A1 (DEGAND ETIENNE [BE]) 6 May 2004 (2004-05-06)

2.1 The international application deals with a transparent heatable pane (claim 1), which might form part of laminated glazing (claim 17), whereby the pane is endowed with an electrically heatable coating which is connected to two low-impedance bus bars lying opposite to one another and further with at least one conducting structure covering the heating area outside a central viewing area.

Re Item VIII.

2.2 Because the bus bars can be produced by printing and/or from metal foils (claim 6), it is not absolutely clear (Article 6 PCT) as to whether the bus bars consist of material which is different from the material of the conducting structures or not.

The term "colour layer" (3) at page 13 and in claim 2 would appear to relate to the ceramic enamel which is commonly provided at the peripheral part of an automotive window, also known as "obscuration band".

Re Item V.

Article 33(2) and (3) PCT

INDEPENDENT CLAIM 1 and INDEPENDENT CLAIM 17

3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 17 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document) discloses a laminated glazing (figure 1 and col.3, l.34 et seq.) which comprises heating layer 4, decorative frame 5 of conductive frit and metallic strip 6 disposed in that order on glass pane 1 and between panes 1 and 2.
Outside silicate glass sheet 1 is provided, on its face adjacent to insert layer 3, with a continuous surface coating 4 acting as resistance layer extending to the edges of the glass sheet. A nontransparent decorative frame 5 of electrically conductive enamel is printed on surface coating 4. In particular, decorative frame 5 can consist of a bakable enamel, i.e., an enamel able to be printed by silk-screening, which is then baked at high temperatures. The electrical conductivity of decorative frame 5 should be high enough not to cause a voltage drop between metallic strip 6 and heating layer 4. The flow of the heating current supply going from metallic strip 6 to heating layer 4 thus will not be impeded by the resistance of decorative frame 5.

Figure. 3A illustrates the basic structure of such a windshield having a transition area between the zone of vision heated by heating layer 20 and sections of opaque frame 21 and 22. Decorative frame 23 is provided with transition areas 24, 25 which extend into the vision surface (col.5, ll.7-12).
When the parts of the decorative frame participating in the current supply of the heating layer are widened toward the field of vision of the windshield, with a constant total heating power, the specific heating power can be increased in the central zone of the windshield or, with constant heating power in the zone of vision, the total heating power can be reduced (col.4, l.63 et seq.).

This consideration would appear to reflect the basic concept of the present application.
Inventive merit, if any, would seem to be confined to particular embodiments of how to realize the conducting structures (Article 33(3) PCT).

3.2 Apart from the disclosure of D1, citations D2 to D5 would appear to anticipate the subject-matter of claims 1 and 17 by reference to the respective passages listed in the international search report.
It should however be emphasized that, whereas the presence of the essential elements, namely transparent coating, conducting structure and low-impedance bus bar, is deemed to be known from the said citations, this objection merely

pertains to a coincidence of technical features, but not to the underlying inventive concept.

DEPENDENT CLAIMS 2, 3, 6, 7, 9-11, 13, 14

4. Dependent claims 2, 3, 6, 7, 9-11, 13, 14 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step. The reasons are as follows:
The subject-matter of claims 2, 3, 6, 9 to 11 and 13 is known from D1.
D2 and D3 disclose the subject-matter of claims 3, 9, 10 and 13, whereby claim 14 is obvious in the light of the comparative example 1A at page 9 of D2 and the subject-matter of claim 11 is illustrated, e.g., at Figure 11 of D3.
Finally, Figures 3 and 4 of D4 shows that a bus bar can directly be printed onto the surface of a glass pane and then be overcoated with an electrically heatable coating (subject-matter of present claim 7).

Re Item VII.

5. Claim 18 refers back to claim 16 instead of claim 17.

Claims 9 and 10 refer to alternatives in one and the same claim.
The respective requirements are met in any case.

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:	12/936,200	Filing date:	October 1, 2010
First Named Inventor:	Günther SCHALL		
Title of the Invention:	TRANSPARENT WINDOW WITH A HEATABLE COATING AND LOW-IMPEDANCE CONDUCTING...		

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/EP2009/002094

The international date of the corresponding PCT application(s) is/are: March 21, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/936,200
First Named Inventor:	Günther SCHALL

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 1, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 1, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
4	4	US-4 independent; minor linguistic differences from PCT-4
5	5	US-5 depends on US-4; minor linguistic differences from PCT-5
6	4	US-6 narrower in scope than patentable PCT-4
7	4	US-7 narrower in scope than patentable PCT-4
8	8	US-8 depends on US-6; minor linguistic differences from PCT-8
9	4	US-9 narrower in scope than patentable PCT-4
10	4	US-10 narrower in scope than patentable PCT-4
11	4	US-11 narrower in scope than patentable PCT-4
12	12	US-12 independent; minor linguistic differences from PCT-12
13	4	US-13 narrower in scope than patentable PCT-4
14	4	US-14 narrower in scope than patentable PCT-4
15	15	US-15 independent; minor linguistic differences from PCT-15
16	16	US-16 independent; minor linguistic differences from PCT-16
17	4	US-17 narrower in scope than patentable PCT-4
18	16	US-18 narrower in scope than patentable PCT-16

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Alessandro Steinfl US Reg. No. 56,448/	Date January 12, 2011
Name (Print/Typed) Alessandro Steinfl	Registration Number 56448

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/936,200	12/06/2010	Günther Schall	P672-US	1626

72932 7590 03/09/2011
Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena, CA 91101

EXAMINER

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
03/09/2011	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
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Alexandria, VA 22313-1450
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Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena CA 91101

In re Application of	:
SCHALL, GüNTHER et al	: DECISION ON REQUEST TO
Application No. 12/936,200	: PARTICIPATE IN PATENT
Filed: Dec. 6, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. P672/US	: PILOT PROGRAM AND PETITION
For: TRANSPARENT WINDOW WITH A	: TO MAKE SPECIAL UNDER
HEATABLE COATING AND LOW-	: 37 CFR 1.102(a)
IMPEDANCE CONDUCTING STRUCTURES	

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. 12, 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 Tu Hoang, the SPE of Art Unit 3742 and (571)272-4780 for Class 219/201 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 04 2011

PCT LEGAL ADMINISTRATION

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of	:	
KOO, Wee Haw, et al.	:	
Application No.: 12/936,230	:	DECISION
PCT No.: PCT/SG2008/000107	:	
Int. Filing Date: 02 April 2008	:	ON PETITION UNDER
Priority Date: None	:	
Docket No.: 2008P02461	:	37 CFR 1.47(a)
For: HEARING AID HOUSING	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 22 December 2010.

BACKGROUND

On 27 October 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 22 December 2010, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (3) have been met. The petition fee has been paid. Applicant states the last known address of non-signing inventor Wai Kit David Ho.

Item (2) has not been satisfied. Applicants have provided a foreign language materials in support of the statement of facts, but have not furnished a translation. Non-translated, non-English materials cannot be considered. Translations of the documentary evidence are appropriate.

Item (4) has not been satisfied. Applicants indicate that they have a declaration executed by inventor Wee Haw Koo, but it is not located in the file.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 26 2011

PCT LEGAL ADMINISTRATION

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of	:	
KOO, Wee Haw, et al.	:	
Application No.: 12/936,230	:	DECISION
PCT No.: PCT/SG2008/000107	:	
Int. Filing Date: 02 April 2008	:	ON PETITION UNDER
Priority Date: None	:	
Docket No.: 2008P02461	:	37 CFR 1.47(a)
For: HEARING AID HOUSING	:	

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 21 March 2011.

BACKGROUND

On 04 March 2011, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition.

On 21 March 2011, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (3) were previously satisfied. The petition fee has been paid. Applicant states the last known address of non-signing inventor Wai Kit David Ho.

Items (2) and (4) have now been satisfied.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **21 March 2011**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 26 2011

PCT LEGAL ADMINISTRATION

Wai Kit Ho
9 Jalan Rajawali #04-04
598431 Singapore
Singapore

In re Application of
KOO, Wee Haw, et al.
Application No.: 12/936,230
PCT No.: PCT/SG2008/000107
Int. Filing Date: 02 April 2008
Priority Date: None
Docket No.: 2008P02461
For: HEARING AID HOUSING

Dear Mr. Ho:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 91756-792640	Application Number (if known): 12/936,238	Filing date: October 4, 2010
First Named Inventor: Katona, Thomas M.		
Title: POWER LIGHT EMITTING DIODE AND METHOD WITH CURRENT DENSITY OPERATION		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments:_____

Signature /Robert C. Colwell/	Date August 30, 2011
Name (Print/Typed) Robert C. Colwell	Registration Number 27,431

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.

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 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).

PATENT
Attorney Docket No.: 91756-792640
(was 027364-007120US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Thomas M. Katona et al.

Application No.: 12/936,238

Filed: October 4, 2010

For: POWER LIGHT EMITTING DIODE AND METHOD WITH CURRENT DENSITY OPERATION

Customer No.: 20350

Confirmation No. 1095

Examiner: Unassigned

Technology Center/Art Unit: Unassigned

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Mail Box Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby request to participate in the Green Technology Pilot Program for the above-identified application. Applicants are herewith submitting a request for early publication under 37 CFR1.219 together with the requisite fee of $300.

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

The basis for the special status is that the invention claimed in the above-identified patent application materially contributes to the development of more efficient utilization and conservation of energy resources. The present invention is related to light-emitting diodes devices, which can be used for various types of lighting applications. Light-emitting diodes promise fundamentally higher efficiencies than traditional lighting technologies such as incandescent and mercury-based fluorescent lamps. Lighting accounts for about 20% of nationwide electricity use. Switching older lighting technologies to high efficiency LED lighting could reduce this electricity consumption in half. That is, an overall 10% reduction in nationwide electricity use. This is a savings of 1100 Terra-Watt-hours/year in energy

consumption (or ~ $100B/year energy costs) and a 200M tons/year reduction in global carbon emissions annually. In addition, it could save 125 GW/year in electricity generation requirements ($50B construction cost or more). This invention contributes directly to LED lighting, as the claimed invention involves a technique for generating more LED light per unit area in an LED to be used for electric lighting.

A preliminary amendment is being submitted concurrently to reduce the number of outstanding claims to no more than three (3) independent claims and twenty (20) total claims.

The application does not contain any multiple dependent claims.

Respectfully submitted,

/Robert C. Colwell/

Robert C. Colwell
Reg. No. 27,431

KILPATRICK TOWNSEND & STOCKTON LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
RCC/y1m/mks
63160388 v1

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/936,238	07/29/2011	Thomas M. Katona	027364-007120US	1095

20350 7590 10/03/2011
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

ART UNIT	PAPER NUMBER
2821	

NOTIFICATION DATE	DELIVERY MODE
10/03/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com
ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com

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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

OCT - 3 2011

In re Application of	:	
KATONA et al.	:	DECISION ON PETITION
Application No. 12/936238	:	TO MAKE SPECIAL UNDER
Filed: July 29, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 027364-007120US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 30, 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
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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

MAILED
NOV 24 2010
PCT LEGAL ADMINISTRATION

In re Application of BORZA	:	
U.S. Application No.: 12/936,268	:	
PCT Application No.: PCT/US2009/033393	:	DECISION
Int. Filing Date: 06 February 2009	:	
Priority Date Claimed: 06 February 2008	:	
Attorney Docket No.: 1-29417	:	
For: BALL SCREW AND NUT ASSEMBLY	:	

This is in response to applicant's "Petition for Revival of an Application for Patent. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 04 October 2010.

BACKGROUND

On 06 February 2009, applicant filed international application PCT/US2009/033393, which claimed priority of an earlier United States application filed 06 February 2008. thirty-month period for paying the basic national fee in the United States expired on 06 August 2010.

On 07 August 2010, international application PCT/US2009/033393 became abandoned as to the United States for failure to timely pay the basic national fee.

On 04 October 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 not provided the required statement. In particular, the petition is directed to U.S. Provisional Application number 61/063,721 rather than the international application.

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 DISMISSED without prejudice

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

MAILED

JAN 07 2011

PCT LEGAL ADMINISTRATION

In re Application of BORZA :
U.S. Application No.: 12/936,268 :
PCT Application No.: PCT/US2009/033393 : DECISION
Int. Filing Date: 06 February 2009 :
Priority Date Claimed: 06 February 2008 :
Attorney Docket No.: 1-29417 :
For: BALL SCREW AND NUT ASSEMBLY :

This is in response to applicant's "Petition for Revival of an Application for Patent. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 10 December 2010.

BACKGROUND

On 06 February 2009, applicant filed international application PCT/US2009/033393, which claimed priority of an earlier United States application filed 06 February 2008. thirty-month period for paying the basic national fee in the United States expired on 06 August 2010.

On 07 August 2010, international application PCT/US2009/033393 became abandoned as to the United States for failure to timely pay the basic national fee.

On 10 December 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 06 February 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 October 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

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:	12/936,271	Filing date:	10/04/2010
First Named Inventor:	PAUL BLOOM		
Title of the Invention:	LUBRICANT ADDITIVES		

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/US2009/041939

The international date of the corresponding PCT application(s) is/are: APRIL 28, 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).**

- [ ] 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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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/936,271
First Named Inventor:	PAUL BLOOM

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on October 4, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒ Are attached.

Have already been filed in the above-identified U.S. application on _____

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
11	11	Identical
12	12	Identical
13	13	Identical
14	14	Identical
15	15	Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Scott Bloomer/	Date	10/05/2010
Name (Print/Typed)	SCOTT BLOOMER	Registration Number	52,626

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/936,271	10/04/2010	Paul Bloom	OIL.0064.US01	1332

54245 7590 03/24/2011
ARCHER DANIELS MIDLAND COMPANY
4666 FARIES PARKWAY
DECATUR, IL 62526

EXAMINER
GOLOBOY, JAMES C

ART UNIT	PAPER NUMBER
1771	

NOTIFICATION DATE	DELIVERY MODE
03/24/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Andrew.Nilles@ADM.com
Michelle.Watts@ADM.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

EL

March 23, 2011

In re application of	:	DECISION ON REQUEST TO
Bloom, Paul	:	PARTICIPATE IN PATENT
Serial No. 12/936,271	:	PROSECUTION HIGHWAY
Filed: October 04, 2010	:	PROGRAM AND
For: **LUBRICANT ADDITIVES**	:	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 October 05, 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 KIPO, 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)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/936,277	Filing Date:	October 4, 2010
First Named Inventor:	Ryutaro NOZU et al.		
Attorney Docket No.:	147152		
Title of the Invention:	ELECTRIC ENERGY STORAGE DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/057608

The international date of the corresponding PCT application(s) is/are: April 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.

PTO/SB/20PCT-JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/936,277
First Named Inventor:	Ryutaro NOZU 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 October 4, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on October 4, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
2	2	
3	3	
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7	7	
8	8	
9	9	
10	10	
11	10	
12	10	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date February 22, 2011
Name (Print/Typed) James A. Oliff	Registration Number 27,075
Name (Print/Typed) Vishnu V. Ramaswamy	Registration Number 66,739

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.

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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.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

I. List of Required Documents

a. A copy of the latest International Work Product (WO/IDA, WO/IPEA or IPER) in the corresponding PCT application(s)

- International Preliminary Report on Patentability (in Japanese)

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)

- Japanese claims in the corresponding PCT application as originally filed and indicated as having novelty, inventive step and industrial applicability

特許協力条約

CEIV
A Patent & Trademark
'09.7.15
無・期限

発信人　日本国特許庁（国際調査機関）

代理人
特許業務法人はるか国際特許事務所
様

あて名
〒160-0004
日本国東京都新宿区四谷四丁目２８番４号　ＹＫＢ
エンサインビル６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）	１４．０７．２００９
出願人又は代理人 の書類記号　NSB-0059	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／ＪＰ２００９／０５７６０８	（日.月.年）　１５．０４．２００９	（日.月.年）　１６．０４．２００８

国際特許分類（ＩＰＣ）Int.Cl. H01M10/44(2006.01)i, H01M10/48(2006.01)i

出願人（氏名又は名称）
日清紡ホールディングス株式会社

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
０３．０７．２００９

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） 前田　寛之 電話番号　０３－３５８１－１１０１　内線　３４７７	４Ｘ　２９３０

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／ＪＰ２００９／０５７６０８

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／ＪＰ２００９／０５７６０８

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	２－１２	有
	請求項	１	無
進歩性（ＩＳ）	請求項	２－１０	有
	請求項	１、１１－１２	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：JP 2000-78768 A（工業技術院長）2000.03.14,　【特許請求の範囲】、【図１】

文献２：JP 2006-210244 A（トヨタ自動車株式会社）2006.08.10,　【特許請求の範囲】、【図２】

文献３：JP 2004-173345 A（株式会社明電舎）2004.06.17,　【特許請求の範囲】、【図１】－【図２】

請求項１

請求項１に係る発明は、国際調査報告で引用した文献１により、新規性及び進歩性を有しない。

文献１には、リチウムイオン二次電池とキャパシタの内部抵抗を、リチウムイオン二次電池どうしの充電状態が同じ勾配で進行するように調整することが記載されている。このとき、文献１記載の発明の充電状態は、入力電流に関するパラメータに包含されると認められる。

請求項２－１０

請求項２－１０に係る発明は、国際調査報告で引用したいずれの文献に対しても、新規性及び進歩性を有する。

いずれの文献にも、請求項２－１０に係る発明は開示も示唆もされておらず、当業者といえども容易に着想し得たということはできない。

請求項１１

請求項１１に係る発明は、文献１により、進歩性を有しない。

文献１記載の発明において、二次電池を複数個直列にする程度のことは、当業者が適宜決定し得たことにすぎない。

請求項１２

請求項１２に係る発明は、文献１により、進歩性を有しない。

文献１記載の発明において、リチウムイオン二次電池に換えて、二次電池として広く一般的に知られているニッケル水素電池等を採用することは、当業者にとり何ら困難なことではない。

請求の範囲

[請求項1]　電流値が上下動を繰り返す入力電流により充電される蓄電装置であって、

電気二重層キャパシタを少なくとも一つ含んだ電気二重層キャパシタユニットと、

前記電気二重層キャパシタユニットに並列に接続された、二次電池を少なくとも一つ含んだ電池ユニットと、

を含み、

前記電池ユニットの内部抵抗に対する前記電気二重層キャパシタユニットの内部抵抗の比が、前記入力電流に関するパラメタに応じて定められる

ことを特徴とする蓄電装置。

[請求項2]　請求項１記載の蓄電装置において、

前記入力電流に関するパラメタは、前記入力電流の時間変化に関するパラメタを含む

ことを特徴とする蓄電装置。

[請求項3]　請求項２記載の蓄電装置において、

前記入力電流の時間変化に関するパラメタは、前記電流値の一回の上下動において、所定の閾値以上の電流が流れる時間を含む

ことを特徴とする蓄電装置。

[請求項4]　請求項２記載の蓄電装置において、

前記入力電流の時間変化に関するパラメタは、前記電流値の一回の上下動において、所定の閾値未満の電流が流れる時間を含む

ことを特徴とする蓄電装置。

[請求項5]　請求項１から４のいずれか一項記載の蓄電装置において、

前記内部抵抗の比は、当該内部抵抗の比と、前記電池ユニットの蓄電電力量に対する前記電気二重層キャパシタユニットの蓄電電力量の比と、の積の値が、前記入力電流に関するパラメタに応じた値になる

よう定められる

ことを特徴とする蓄電装置。

[請求項6]　請求項５記載の蓄電装置において、

前記積の値が、０．０１８以上０．０３６以下である

ことを特徴とする蓄電装置。

[請求項7]　請求項６記載の蓄電装置において、

前記積の値が、０．０２５以上０．０３０以下である

ことを特徴とする蓄電装置。

[請求項8]　電流値が上下動を繰り返す入力電流により充電される蓄電装置であって、

電気二重層キャパシタを少なくとも一つ含んだ電気二重層キャパシタユニットと、

前記電気二重層キャパシタユニットに並列に接続された、二次電池を少なくとも一つ含んだ電池ユニットと、

を含み、

前記電池ユニットの内部抵抗に対する前記電気二重層キャパシタユニットの内部抵抗の比と、前記電池ユニットの蓄電電力量に対する前記電気二重層キャパシタユニットの蓄電電力量の比と、の積の値が、０．０１８以上０．０３６以下である

ことを特徴とする蓄電装置。

[請求項9]　請求項８記載の蓄電装置において、

前記積の値が、０．０２５以上０．０３０以下である

ことを特徴とする蓄電装置。

[請求項10]　互いに直列に接続された複数の電気二重層キャパシタと、

過充電時に正極から発生する酸素を負極で還元する密閉型の二次電池を少なくとも一つ含んだ電池ユニットであって、前記複数の電気二重層キャパシタのそれぞれに対して並列に接続された複数の電池ユニットと、

を含み、

前記各電気二重層キャパシタの定格電圧が、当該電気二重層キャパシタに対して並列に接続された前記電池ユニットの過充電時における電圧以上である

ことを特徴とする蓄電装置。

[請求項11]　請求項１記載の蓄電装置において、

前記電池ユニットのそれぞれは、前記二次電池が複数個直列に接続されてなる

ことを特徴とする蓄電装置。

[請求項12]　請求項１記載の蓄電装置において、

前記二次電池は、ニッケル－水素電池、ニッケル－カドミウム電池、又は制御弁式鉛－酸電池のいずれかである

ことを特徴とする蓄電装置。

I. List of Required Documents

c. English translations of the documents in a. and b. along with a statement that the English translations are accurate

- International Preliminary Report on Patentability (English translation)
- All claims in the corresponding PCT application as originally filed and indicated as having novelty, inventive step and industrial applicability (English translation)
- Statement that the English Translation of the claims which were determined to be patentable is accurate

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)

(PCT Rules 44*bis*.3(c) and 72.2)

To:

HARUKA PATENT & TRADEMARK ATTORNEYS
Nippon Brunswick Bldg. 9th Floor
5-27-7, Sendagaya, Shibuya-ku, Tokyo
1510051
JAPON

RECEIVED
HARUKA Patent & Trademark Attorneys
'10.12.17 20

期限無・期限有 ☐

Date of mailing *(day/month/year)* 09 December 2010 (09.12.2010)	
Applicant's or agent's file reference NSB-0059	**IMPORTANT NOTIFICATION**
International application No. PCT/JP2009/057608	International filing date *(day/month/year)* 15 April 2009 (15.04.2009)
Applicant NISSHINBO HOLDINGS INC. et al	

1. **Transmittal of the translation to the applicant.**

☒ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. **Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AO, AP, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW

3. **Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Gijsbertus Beijer

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference NSB-0059	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/057608	International filing date *(day/month/year)* 15 April 2009 (15.04.2009)	Priority date *(day/month/year)* 16 April 2008 (16.04.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant NISSHINBO HOLDINGS INC.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 30 November 2010 (30.11.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Gijsbertus Beijer e-mail: pt07.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	
Applicant's or agent's file reference NSB-0059	FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/057608	15.04.2009	16.04.2008

International Patent Classification (IPC) or both national classification and IPC

Applicant
NISSHINBO HOLDINGS INC.

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/JP2009/057608

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/JP2009/057608

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	2-12	YES
	Claims	1	NO
Inventive step (IS)	Claims	2-10	YES
	Claims	1, 11-12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2000-78768 A (Director General, Agency of Industrial Science and Technology), 14 March 2000, claims, fig. 1

Document 2: JP 2006-210244 A (Toyota Motor Corp.), 10 August 2006, claims, fig. 2

Document 3: JP 2004-173345 A (Meidensha Corp.), 17 June 2004, claims, fig. 1 and 2

Claim 1

The invention as in claim 1 lacks novelty and does not involve an inventive step in the light of document 1 cited in the ISR.

Document 1 indicates that the internal resistances of lithium ion secondary cells and a capacitor are adjusted in such a manner that the charged states of the respective lithium ion secondary cells progress at the same gradients. In this case, the charged states of the invention described in document 1 are considered to be included in the parameter concerning input current.

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**

Claims 2-10

The invention as in claims 2-10 is novel and involves an inventive step in the light of the documents cited in the ISR.

None of the documents discloses or suggests the invention as in claims 2-10, and a person skilled in the art could not have easily conceived of the invention as in claims 2-10 either.

Claim 11

The invention as in claim 11 does not involve an inventive step in the light of document 1.

In the invention described in document 1, a person skilled in the art could have, as appropriate, decided the connection of multiple secondary cells in series.

Claim 12

The invention as in claim 12 does not involve an inventive step in the light of document 1.

In the invention described in document 1, it is not especially difficult for a person skilled in the art to employ nickel hydrogen cells, etc. widely and generally known as secondary cells, as an alternative to lithium ion secondary cells.

The claims which were indicated as having patentability in the corresponding PCT application No. PCT/JP2009/057608

1. An electric energy storage device charged with an input current having a current value repeatedly exhibiting peaks and valleys, comprising:

an electric double-layer capacitor unit including at least one electric double-layer capacitor; and

a battery unit including at least one secondary battery, the battery unit being connected in parallel to the electric double-layer capacitor unit,

wherein a ratio of an internal resistance of the electric double-layer capacitor unit to an internal resistance of the battery unit is determined according to parameters relating to the input current.

2. The electric energy storage device according to claim 1, wherein the parameters relating to the input current include a parameter relating to a change in the input current with time.

3. The electric energy storage device according to claim 2, wherein the parameter relating to the change in the input current with time includes a time period during which a current having a predetermined threshold value or larger flows over one cycle including the peak and the valley of the current value.

4. The electric energy storage device according to claim 2, wherein

the parameter relating to the change in the input current with time includes a time period during which a current less than a predetermined threshold value flows over one cycle including the peak and the valley of the current value.

5. The electric energy storage device according to any one of claims 1 to 4, wherein the ratio of the internal resistances is determined so that a value of a product of the ratio of the internal resistances and a ratio of a chargeable electric energy of the electric double-layer capacitor unit to a chargeable electric energy of the battery unit is to be a value according to the parameters relating to the input current.

6. The electric energy storage device according to claim 5, wherein the value of the product is equal to or larger than 0.018 and equal to or smaller than 0.036.

7. The electric energy storage device according to claim 6, wherein the value of the product is equal to or larger than 0.025 and equal to or smaller than 0.030.

8. An electric energy storage device charged with an input current having a current value repeatedly exhibiting peaks and valleys, comprising:

an electric double-layer capacitor unit including at least one electric double-layer capacitor; and

a battery unit including at least one secondary battery, the

battery unit being connected in parallel to the electric double-layer capacitor unit,

wherein a value of a product of a ratio of an internal resistance of the electric double-layer capacitor unit to an internal resistance of the battery unit and a ratio of a chargeable electric energy of the electric double-layer capacitor unit to a chargeable electric energy of the battery unit is equal to or larger than 0.018 and equal to or smaller than 0.036.

9. The electric energy storage device according to claim 8, wherein the value of the product is equal to or larger than 0.025 and equal to or smaller than 0.030.

10. An electric energy storage device, comprising:

a plurality of electric double-layer capacitors connected in series to each other; and

a plurality of battery units respectively connected in parallel to the plurality of electric double-layer capacitors, each of the plurality of battery units including at least one sealed secondary battery for reducing oxygen, generated at a positive electrode, at a negative electrode when the at least one sealed secondary battery is overcharged,

wherein a rated voltage of each of the plurality of electric double-layer capacitors is equal to or higher than a voltage obtained when a corresponding one of the plurality of battery units, which is connected in parallel to the each electric double-layer capacitor, is overcharged.

11. The electric energy storage device according to claim 1, wherein each of the battery units is constituted by connecting a plurality of the secondary batteries in series.

12. The electric energy storage device according to claim 1, wherein the secondary battery comprises any one of a nickel-metal hydride battery, a nickel-cadmium battery, and a valve-regulated lead-acid battery.

STATEMENT

I, Kazuya TASHIRO of Nippon Brunswick Bldg. 9th Floor, 5-27-7, Sendagaya, Shibuya-ku, Tokyo 151-0051 JAPAN hereby, declare that I am the conversant with Japanese and English languages and that I am the translator of the documents attached and certify that to the best of my knowledge and belief the attached is a true and correct translation of:

The claims which were indicated as having patentability in the corresponding PCT application No. PCT/JP2009/057608

Kazuya Tashiro

Kazuya TASHIRO

February 15, 2011

Date

I. List of Required Documents

d. Information Disclosure Statement listing the documents cited in the International Work Product

- The references cited in the ISR were submitted in an Information Disclosure Statement filed on October 4, 2010.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/936,277	10/04/2010	Ryutaro Nozu	147152	1368

25944 7590 03/23/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
NGUYEN, HA T

ART UNIT	PAPER NUMBER
2858	

NOTIFICATION DATE	DELIVERY MODE
03/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	**: DECISION ON REQUEST TO**
NOZU et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/936,277	**: PROSECUTION HIGHWAY**
Filed: 04 October 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 147152	**: TO MAKE SPECIAL UNDER**
For: ELECTRIC ENERGY STORAGE DEVICE	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 22 February 2011, to make the above-identified application special.

The request and petition are **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, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof (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

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.:	12/936,286	Filing Date:	October 4, 2010
First Named Inventor:	Takeshi KOBAYASHI		
Attorney Docket No.:	147138		
Title of the Invention:	VERTICAL BOAT FOR HEAT TREATMENT AND METHOD FOR HEAT TREATMENT OF SILICON WAFER USING THE SAME		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/001649

The international date of the corresponding PCT application(s) is/are: April 9, 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.:	12/936,286
First Named Inventor:	Takeshi KOBAYASHI

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on October 4, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on October 4, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-5 are canceled		
6 and 7	1 and 2	Claims 6 and 7 of the U.S. application correspond identically to claims 1 and 2, respectively, of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application.
8 and 9	3	Claims 8 and 9 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 8 of the U.S. application depends from claim 6 (corresponding to PCT application claim 1). Claim 9 of the U.S. application depends from claim 7 (corresponding to PCT application claim 2). Claims 8 and 9 are thus individually dependent claims corresponding to multiple dependent claim 3 of the PCT application.
10-13	4	Claims 10-13 of the U.S. application correspond to claim 4 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 4 of the PCT application is a multiple dependent claim depending from each of claims 1-3. Claim 10 of the U.S. application depends from claim 6 (corresponding to PCT application claim 1). Claim 11 of the U.S. application depends from claim 7 (corresponding to PCT application claim 2). Claim 12 of the U.S. application depends from claim 8 (corresponding to PCT application claim 3). Claim 13 of the U.S. application depends from claim 9 (corresponding to PCT application claim 3). Claims 10-13 are thus individually dependent claims corresponding to multiple dependent claim 4 of the PCT application.
14-17	5	Claims 14-17 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 dependent claim depending from multiple dependent claim 4. Claim 14 of the U.S. application depends from claim 10 (corresponding to PCT application claim 4). Claim 15 of the U.S. application depends from claim 11 (corresponding to PCT application claim 4). Claim 16 of the U.S. application depends from claim 12 (corresponding to PCT application claim 4). Claim 17 of the U.S. application depends from claim 13 (corresponding to PCT application claim 4). Claims 14-17 are thus individually dependent claims corresponding to 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.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Christopher W. Brown	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

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. 6F
6-11, Ueno 7-chome
Taito-ku, Tokyo 1100005
JAPON

Date of mailing (day/month/year) 28 October 2010 (28.10.2010)	
Applicant's or agent's file reference 08F00015WO	IMPORTANT NOTICE

International application No.	International filing date (day/month/year)	Priority date (day/month/year)
PCT/JP2009/001649	09 April 2009 (09.04.2009)	17 April 2008 (17.04.2008)

Applicant: Shin-Etsu Handotai Co., Ltd. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter II 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 Gijsbertus Beijer e-mail: pt07.pct@wipo.int

Form PCT/IB/326 (January 2004)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 08F00015WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/001849	International filing date *(day/month/year)* 09 April 2009 (09.04.2009)	Priority date *(day/month/year)* 17 April 2008 (17.04.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant Shin-Etsu Handotai Co., Ltd.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 19 October 2010 (19.10.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Gijsbertus Beijer e-mail: pt07.pct@wipo.int

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
好宮幹夫
様

あて名
〒110-0005
日本国東京都台東区上野７丁目６番１１号第一下谷ビル８Ｆ

ＰＣＴ
国際調査機関の見解書
（施行規則第40条の2）
（ＰＣＴ規則43の2.1）

発送日（日.月.年）	21. 07. 2009
出願人又は代理人の書類記号　08F00015W0	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／ＪＰ２００９／００１６４９	国際出願日（日.月.年）　09. 04. 2009
優先日（日.月.年）　17. 04. 2008	
国際特許分類（ＩＰＣ）Int.Cl. H01L21/22(2006.01)i, H01L21/324(2006.01)i, H01L21/673(2006.01)i	
出願人（氏名又は名称） 信越半導体株式会社	

１．この見解書は次の内容を含む。
- [x] 第Ⅰ欄　見解の基礎
- [ ] 第Ⅱ欄　優先権
- [ ] 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- [ ] 第Ⅳ欄　発明の単一性の欠如
- [x] 第Ⅴ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- [ ] 第Ⅵ欄　ある種の引用文献
- [ ] 第Ⅶ欄　国際出願の不備
- [ ] 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日　06. 07. 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）　４Ｌ　９８３５ 荻原　周治 電話番号　０３－３５８１－１１０１　内線　３４９８

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/JP2009/001649

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／JP2009／001649

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 2004-241545 A（信越半導体株式会社）2004.08.26，段落【００２８】－【００３１】，第１図
文献２：WO 01/59826 A1（信越半導体株式会社）2001.08.16，第１頁第１１行乃至第３頁第９行
文献３：JP 08-107081 A（東芝セラミックス株式会社）1996.04.23，段落【０００６】－【００１３】，第１，２，９図
文献４：JP 11-251563 A（キヤノン株式会社）1999.09.17，段落【０１８０】－【０２１１】

請求項１－５
請求項１－５に係る発明は、国際調査報告で引用された文献１－４に対し、進歩性を有する。
石英、酸化珪素膜が施された炭化珪素、窒化珪素膜が施された炭化珪素、酸窒化珪素膜が施された炭化珪素、酸化珪素膜が施された珪素、窒化珪素膜が施された珪素、酸窒化珪素膜が施された珪素のいずれかからなるガイド部材の上面に穴が形成され、炭化珪素、珪素、炭化珪素のＣＶＤコーティングが施された炭化珪素、炭化珪素のＣＶＤコーティングが施された珪素、炭化珪素のＣＶＤコーティングが施された炭素のいずれかからなる基板支持部材が、被処理基板が載置される面の高さ位置がガイド部材の上面の高さ位置よりも高くなるように、ガイド部材の穴に挿嵌された縦型熱処理用ボートは、国際調査報告で引用されたいずれの文献にも教示されておらず、当業者にとって容易でもない。

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 08F00015WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/001649	International filing date *(day month year)* 09 April 2009 (09.04.2009)	Priority date *(day month year)* 17 April 2008 (17.04.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant Shin-Etsu Handotai Co., Ltd.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 30 November 2010 (30.11.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Gijsbertus Beijer e-mail: pt07.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference 08F00015WO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/001649	09.04.2009	17.04.2008

International Patent Classification (IPC) or both national classification and IPC

Applicant
Shin-Etsu Handotai Co., Ltd.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I — Basis of the opinion
- ☐ Box No. II — Priority
- ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV — Lack of unity of invention
- ☒ Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI — Certain documents cited
- ☐ Box No. VII — Certain defects in the international application
- ☐ Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/001649

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/JP2009/001649

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	1-5	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: JP 2004-241545 A (Shin-Etsu Handotai Co., Ltd.), 26 August 2004, paragraphs [0028] to [0031], fig. 1

Document 2: WO 01/59826 A1 (Shin-Etsu Handotai Co., Ltd.), 16 August 2001, page 1, line 11 to page 3, line 9

Document 3: JP 08-107081 A (Toshiba Ceramics Co., Ltd.), 23 April 1996, paragraphs [0006] to [0013], fig. 1, 2 and 9

Document 4: JP 11-251563 A (Canon Inc.), 17 September 1999, paragraphs [0180] to [0211]

Claims 1-5

The invention as in claims 1-5 involves an inventive step in view of documents 1 to 4 cited in the ISR.

None of the documents cited in the ISR teaches a vertical heat treatment boat in which a hole is formed on the upper surface of a guide member composed of any one of quartz, silicon carbide on which a silicon oxide film is provided, silicon carbide on which a silicon nitride film is provided, silicon carbide on which a silicon oxynitride film is provided, silicon on which a silicon oxide film is provided,

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**

silicon on which a silicon nitride film is provided, and silicon on which a silicon oxynitride film is provided, and in which a substrate supporting member composed of any one of silicon carbide, silicon, silicon carbide on which a CVD coating of silicon carbide is provided, silicon on which a CVD coating of silicon carbide is provided, and carbon on which a CVD coating of silicon carbide is provided is inserted through the hole on the guide member in such a manner that the height position of the placing surface of the substrate to be treated is higher than the height position of the upper surface of the guide member; and it would not be easy for a person skilled in the art to conceive thereof.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Takeshi KOBAYASHI

Group Art Unit:

Application No.: 12/936,286

Examiner:

Filed: October 4, 2010

Docket No.: 147138

For: VERTICAL BOAT FOR HEAT TREATMENT AND METHOD FOR HEAT TREATMENT OF SILICON WAFER USING THE SAME

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/JP2009/001649 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

[請求項1] 少なくとも、複数の支柱と、各支柱の両端部に連結した一対の板状部材と、前記各支柱に被処理基板を水平に支持するための複数の支持部とを有するボート本体と、前記複数の支持部の各々に着脱可能に装着されており、前記被処理基板が載置される支持補助部材とを備えた縦型熱処理用ボートであって、

前記支持補助部材は、前記支持部に装着されるガイド部材と、該ガイド部材により定置され、前記被処理基板が載置される板状の基板支持部材とを有しており、

前記ガイド部材は上面に穴が形成されており、

前記基板支持部材は、前記ガイド部材の穴に挿嵌されて定置されており、前記支持補助部材がボート本体の支持部に装着されたとき、前記被処理基板が載置される面の高さ位置が、前記ガイド部材の上面の高さ位置よりも高いものであり、

前記基板支持部材は、炭化珪素、珪素、炭化珪素のＣＶＤコーティングが施された炭化珪素、炭化珪素のＣＶＤコーティングが施された珪素、炭化珪素のＣＶＤコーティングが施された炭素のいずれかからなり、

前記ガイド部材は、石英、酸化珪素膜が施された炭化珪素、窒化珪素膜が施された炭化珪素、酸窒化珪素膜が施された炭化珪素、酸化珪素膜が施された珪素、窒化珪素膜が施された珪素、酸窒化珪素膜が施された珪素のいずれかからなるものであることを特徴とする縦型熱処理用ボート。

[請求項2] 前記ボート本体は、石英、酸化珪素膜が施された炭化珪素、窒化珪素膜が施された炭化珪素、酸窒化珪素膜が施された炭化珪素、酸化珪素膜が施された珪素、窒化珪素膜が施された珪素、酸窒化珪素膜が施された珪素のいずれかからなるものであることを特徴とする請求項１

に記載の縦型熱処理用ボート。

[請求項3] 前記基板支持部材の被処理基板が載置される面の高さ位置と、前記ガイド部材の上面の高さ位置の差が、０．０５～１．０mmであることを特徴とする請求項１または請求項２に記載の縦型熱処理用ボート。

[請求項4] 請求項１から請求項３のいずれか一項に記載の縦型熱処理用ボートを用いてシリコンウエーハを熱処理する方法であって、

前記複数の支持部の各々に前記支持補助部材を装着し、該支持補助部材の基板支持部材上にシリコンウエーハを載置して熱処理を行うことを特徴とするシリコンウエーハの熱処理方法。

[請求項5] 前記シリコンウエーハの熱処理を、１１００～１３５０℃の温度で行うことを特徴とする請求項４に記載のシリコンウエーハの熱処理方法。

CLAIMS

1. A vertical boat for heat treatment having at least a boat body having: a plurality of columns; a pair of plate members coupled to both ends of each column; and a plurality of supporting parts on each column, each supporting part horizontally supporting a substrate to be treated, and an auxiliary supporting member removably attached to each of the plurality of the supporting parts, the auxiliary supporting member on which the substrate to be treated is to be placed, wherein

the auxiliary supporting member has a guiding member attached to each supporting part and a substrate supporting plate fixed by the guiding member, the substrate supporting plate on which the substrate to be treated is to be placed,

a hole is formed on an upper surface of the guiding member,

the substrate supporting plate is inserted and fitted into the hole of the guiding member so as to be fixed, a height position of a surface on which the substrate to be treated is to be placed is higher than a height position of the upper surface of the guiding member with the auxiliary supporting member attached to the supporting part of the boat body,

the substrate supporting plate is composed of any of silicon carbide, silicon, silicon carbide CVD-coated with silicon carbide, silicon CVD-coated with silicon carbide, and carbon CVD-coated with silicon carbide, and

the guiding member is composed of any of quartz, silicon carbide on which a silicon oxide film is formed, silicon carbide on which a silicon nitride film is formed, silicon carbide on which a silicon oxynitride

film is formed, silicon on which a silicon oxide film is formed, silicon on which a silicon nitride film is formed, silicon on which a silicon oxynitride film is formed.

2. The vertical boat for heat treatment according to claim 1, wherein the boat body is composed of any of quartz, silicon carbide on which a silicon oxide film is formed, silicon carbide on which a silicon nitride film is formed, silicon carbide on which a silicon oxynitride film is formed, silicon on which a silicon oxide film is formed, silicon on which a silicon nitride film is formed, silicon on which a silicon oxynitride film is formed.

3. The vertical boat for heat treatment according to claim 1 or claim 2, wherein the difference between the height position of the surface of the substrate supporting plate on which the substrate to be treated is to be placed and the height position of the upper surface of the guiding member is 0.05 to 1.0 mm.

4. A method for heat treatment of a silicon wafer using the vertical boat for heat treatment according to any one of claims 1 to 3, comprising steps of:

attaching the auxiliary supporting member to each of the plurality of the supporting parts;

placing the silicon wafer on the substrate supporting plate of the auxiliary supporting member; and

performing the heat treatment.

5. The method for heat treatment of a silicon wafer according to claim 4, wherein the heat treatment of the silicon wafer is performed at 1100 to 1350°C.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/936,286	10/04/2010	Takeshi Kobayashi	147138	1423

25944 7590 03/23/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KIM, SU C

ART UNIT	PAPER NUMBER
2823	

NOTIFICATION DATE	DELIVERY MODE
03/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of
Takeshi KOBAYASHI
Application No.: 12/936,286
Filed: 04 October 2010
Attorney Docket No.: 147138
For: VERTICAL BOAT FOR HEAT TREATMENT AND METHOD FOR HEAT TREATMENT OF SILICON WAFER USING THE SAME

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 17 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof (if not in English);

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110429

DATE : April 29, 2011

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction on Patent No.: 7902393

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/DANIEL SULLIVAN/
Supervisory Patent Examiner.Art Unit 1621

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OFFICE OF PETITIONS

MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

Applicant: Moises Luzia Goncalves Pinto, et al.
Appl. No.: 12/936,333
International Filing Date: April 2, 2008
Title: POLYURETHANE FILTERS FOR AIR PURIFICATON
Attorney Docket: FERREIRA-005-US
Pub. No.: US 20110034579A1
Pub. Date: February 10, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 11, 2011 (April 10, 2011, fell on a Sunday), for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment filed with the application on October 4, 2010 was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment is <u>not</u> an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

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[1] <u>Changes to Implement Eighteen-Month Publication of Patent Applications</u>, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, <u>Off. Gaz. Pat. Office Notices</u> 63, 75 (Oct. 10, 2000) (final rule).

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-EP (01-10)
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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:	12/936,388	Filing date:	October 4, 2010
First Named Inventor:	RIVA, Mauro		
Title of the Invention:	SUPPORT FOR FILIFORM ELEMENTS CONTAINING AN ACTIVE. . .		

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/EP2010/059706

The international date of the corresponding PCT application(s) is/are: July 7, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 4, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 4, 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 EPO AND THE USPTO

(continued)

Application No.:	12/936,388
First Named Inventor:	RIVA, Mauro

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US claim 1 amended to be adapted to US practice.
2	2	US claim 2 amended to be adapted to US practice.
3	3	US claim 3 amended to be adapted to US practice.
4	4	US claim 4 amended to be adapted to US practice.
5	5	US claim 5 amended to be adapted to US practice.
6	6	US claim 6 amended to be adapted to US practice.
7	7	US claim 7 amended to be adapted to US practice.
8	8	US claim 8 amended to be adapted to US practice.
9	9	US claim 9 amended to be adapted to US practice.
10	10	US claim 10 amended to be adapted to US practice.
11	11	US claim 11 amended to be adapted to US practice.
12	12	US claim 12 amended to be adapted to US practice.
13	13	US claim 13 amended to be adapted to US practice.
14	14	US claim 14 amended to be adapted to US practice.
15	15	US claim 15 amended to be adapted to US practice.
16	16	US claim 16 amended to be adapted to US practice.
17	17	US claim 17 amended to be adapted to US practice.
18	18	US claim 18 amended to be adapted to US practice.
19	19	US claim 19 amended to be adapted to US practice.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

IV. Payment of Fees:

The petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) must be paid via EFS-Web (using credit card, authorization to charge a deposit account, or electronic funds transfer).

Signature /Alessandro Steinfl 56,448/	Date October 4, 2010
Name (Print/Typed) Alessandro Steinfl	Registration Number 56,448

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/936,388	10/04/2010	Mauro Riva	P684-US	2318

72932 7590 06/21/2011
Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena, CA 91101

EXAMINER
TON, MINH TOAN T

ART UNIT	PAPER NUMBER
2889	

MAIL DATE	DELIVERY MODE
06/21/2011	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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Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena CA 91101

In re Application of
RIVA et al.
Application No.: 12/936,388
Filed: 04 October 2010
Attorney Docket No.: P684-US
For: SUPPORT FOR FILIFORM ELEMENTS CONTAINING AN ACTIVE MATERIAL

: 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 04 October 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 have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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Fox Rothschild LLP
Princeton Pike Corporate Center
997 Lenox Drive
Bldg. #3
Lawrenceville NJ 08648

MAILED

JAN 31 2011

PCT LEGAL ADMINISTRATION

In re Application of:	:	
SINKO et al.	:	
U.S. Application No.: 12/936,392	:	
PCT No.: PCT/US2009/002164	:	PETITION UNDER
International Filing Date: 06 April 2009	:	37 CFR 1.497(d)
Priority Date: 04 April 2008	:	TO CORRECT
Attorney's Docket No.: 70439.00514	:	INVENTORSHIP
For: NANOCARRIER AND NANOGEL COMPOSITIONS		

This decision is issued in response to applicant's Request to Correct Inventorship under 37 CFR 1.497(d) filed 22 December 2010. The $130 petition fee has been submitted.

BACKGROUND

On 06 April 2009, applicant filed international application PCT/US2009/002164 which claimed a priority date of 04 April 2008. The international application named Patrick J. SINKO, Stanley STEIN, Hilliard KUTSCHER, Manjeet DESHMUKH, Anupa MENJOGE, and Yashveer SINGH as applicants/inventors. The deadline for submission of the basic national fee was to expire thirty months from the priority date, i.e., 04 October 2010.

On 04 October 2010, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, the requisite basic national fee, a copy of the international application, and a preliminary amendment.

On 02 November 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 22 December 2010, applicant filed a declaration executed by: Patrick J. SINKO, Stanley STEIN, Hilliard KUTSCHER, Manjeet DESHMUKH, Anupa MENJOGE, Yashveer SINGH and Simi GUNASEEDAN and the present request to Correct Inventorship under 37 CFR 1.497(d).

DISCUSSION

The present submission seeks to correct the inventorship so as to an add inventor (Simi GUNASEEDAN) to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicant must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17;
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter); and
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

Applicant has submitted a statement from the persons being added (Simi GUNASEEDAN) as an inventor in compliance with 37 CFR 1.497(d)(1). The $130 processing fee required under 37 CFR 1.497(d)(2) has been submitted. And applicant has submitted a statement of consent by the assignee, along with a copy of the Assignment document by which the assignee obtained its interest in the present application. Lastly, applicant has submitted a declaration executed by Patrick J. SINKO, Stanley STEIN, Hilliard KUTSCHER, Manjeet DESHMUKH, Anupa MENJOGE, Yashveer SINGH and Simi GUNASEEDAN. Therefore, applicant's request to correct inventorship under 37 CFR 1.497(d) is granted.

CONCLUSION

The request under 37 CFR 1.497(d) is <u>GRANTED</u>.

Simi GUNASEEDAN will be added as inventors herein.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

40280
Steven Vosen
1563 Solano Avenue #206
Berkley, CA 94707

MAILED
DEC 29 2010
PCT LEGAL ADMINISTRATION

In re Application of
REMPELL *et al*
U.S. Application No.: 12/936,395
PCT No.: PCT/US2009/039695
Int. Filing Date: 06 April 2009
Priority Date: 07 April 2008
Docket No.: XPR.002US0
For: SYSTEMS AND METHODS FOR PRESENTING INFORMATION ON MOBILE DEVICES

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 03 November 2010 is hereby **GRANTED** as follows:

The Basic National Stage Fee and the petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

United States 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

NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
Emeryville CA 94662-8097

In re Application of	:	
Kost et al.	:	
Application No.: 12/936,396	:	DECISION
PCT No.: PCT/EP2009/053698	:	
Int. Filing Date: 27 March 2009	:	ON
Priority Date: 28 March 2008	:	
Attorney Docket No.: PAT052754-US-PCT	:	PETITION
For: Analysis Of DNA By Means	:	
Of Capillary Electrophoresis	:	

The petition to revive under 37 CFR 1.137(b) filed on 04 October 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/936,426	10/05/2010	Nobuharu Nagaoka	SAA-127-A	2837

21828 7590 04/29/2011
CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI, MI 48375

EXAMINER
BELLA, MATTHEW C

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
04/29/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

cbalaw@gmail.com
cbalaw@ameritech.net
wblackman@ameritech.net

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI MI 48375

In re Application of	:	
NAGAOKA, NOBUHARU et al.	:	DECISION ON REQUEST TO
Application No. 12/936,426	:	PARTICIPATE IN PATENT
Filed: October 05, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. SAA-127-A	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 08, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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.
12/936,429	12/08/2010	Mikio Iwamura	17470/086001	2855

22511 7590 06/27/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
SHIVERS, ASHLEY L

ART UNIT	PAPER NUMBER
2477	

NOTIFICATION DATE	DELIVERY MODE
06/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com

MAILED

JUN 22 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: Mikio Iwamura et al.
Application No. 12/936429
Filed: December 08, 2010
For: **MOBILE COMMUNICATION METHOD, MOBILE STATION, AND WIRELESS ACCESS NETWORK APPARATUS**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 5, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

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.:	12/936,450	Filing Date:	October 5, 2010
First Named Inventor:	Takao ABE et al.		
Attorney Docket No.:	147168		
Title of the Invention:	SINGLE-CRYSTAL MANUFACTURING 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/JP2009/001888

The international date of the corresponding PCT application(s) is/are: April 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.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO
(continued)

Application No.:	12/936,450
First Named Inventor:	Takao ABE 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 October 5, 2010.

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on October 5, 2010.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
11	1	Claim 11 of the U.S. application corresponds identically to claim 1 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application.
12	2	Claim 12 of the U.S. application corresponds identically to claim 2 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 12 of the U.S. application is revised to be dependent on claim 11 (corresponding to PCT claim 1).
13	3	Claim 13 of the U.S. application corresponds identically to claim 3 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application, except claim 13 of the U.S. application is revised to be dependent on claim 11 (corresponding to PCT claim 1).
14-16	4	Claims 14-16 of the U.S. application correspond identically 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 1-3. Claim 14 of the U.S. application depends from claim 11 (corresponding to PCT claim 1). Claim 15 of the U.S. application depends from claim 12 (corresponding to PCT claim 2). Claim 16 of the U.S. application depends from claim 13 (corresponding to PCT claim 3). Claims 14-16 are thus individually dependent claims corresponding to multiple dependent claim 4 of the PCT application.
17	5	Claim 17 of the U.S. application corresponds identically to claim 5 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application, except claim 17 of the U.S. application is revised to be dependent on claim 14 (corresponding to PCT claim 4).
18	6	Claim 18 of the U.S. application corresponds identically to claim 6 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application, except claim 18 of the U.S. application is revised to be dependent on claim 11 (corresponding to PCT claim 1).
19	7	Claim 19 of the U.S. application corresponds identically to claim 7 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application, except claim 19 of the U.S.

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		application is revised to be dependent on claim 11 (corresponding to PCT claim 1).
20-28	8	Claims 20-28 of the U.S. application correspond identically 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 1-7. Claim 20 of the U.S. application depends from claim 11 (corresponding to PCT claim 1). Claim 21 of the U.S. application depends from claim 12 (corresponding to PCT claim 2). Claim 22 of the U.S. application depends from claim 13 (corresponding to PCT claim 3). Claim 23 of the U.S. application depends from claim 14 (corresponding to PCT claim 4). Claim 24 of the U.S. application depends from claim 15 (corresponding to PCT claim 4). Claim 25 of the U.S. application depends from claim 16 (corresponding to PCT claim 4). Claim 26 of the U.S. application depends from claim 17 (corresponding to PCT claim 5). Claim 27 of the U.S. application depends from claim 18 (corresponding to PCT claim 6). Claim 28 of the U.S. application depends from claim 19 (corresponding to PCT claim 7). Claims 20-28 are thus individually dependent claims corresponding to multiple dependent claim 8 of the PCT application.
29	9	Claim 29 of the U.S. application corresponds identically to claim 9 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application, except claim 29 of the U.S. application is revised to be dependent on claim 20 (corresponding to PCT claim 8).
30	10	Claim 30 of the U.S. application corresponds identically to claim 10 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application, except claim 30 of the U.S. application is revised to be dependent on claim 29 (corresponding to PCT claim 9).

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date February 23, 2011
Name (Print/Typed) William P. Berridge	Registration Number 30,024
Name (Print/Typed) Andrew B. Whitehead	Registration Number 61,989

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)

(PCT Rules 44*bis*.3(c) and 72.2)

To:

YOSHIMIYA, Mikio
1st Shitaya Bldg. 8F, 6-11, Ueno 7-chome, Taito-ku,
Tokyo
1100005
JAPON

Date of mailing *(day/month/year)* 20 January 2011 (20.01.2011)	
Applicant's or agent's file reference 08F00023WO	**IMPORTANT NOTIFICATION**
International application No. PCT/JP2009/001888	International filing date *(day/month/year)* 24 April 2009 (24.04.2009)
Applicant Shin-Etsu Handotai Co., Ltd. et al	

1. **Transmittal of the translation to the applicant.**

☒ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. **Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AO, AP, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW

3. **Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer
Masashi Honda

e-mail: pt08.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 08F00023WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/001888	International filing date *(day/month/year)* 24 April 2009 (24.04.2009)	Priority date *(day/month/year)* 20 May 2008 (20.05.2008)
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 11 January 2011 (11.01.2011)
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)*	21.07.2009
Applicant's or agent's file reference 08F00023WO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/001888	24.04.2009	20.05.2008

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:

- ☒ Box No. I — Basis of the opinion
- ☐ Box No. II — Priority
- ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV — Lack of unity of invention
- ☒ Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI — Certain documents cited
- ☐ Box No. VII — Certain defects in the international application
- ☐ Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/001888

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/JP2009/001888

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 63-319287 A (Toshiba Ceramics Co., Ltd.), 27 December 1988, claim 1, columns 12 to 16, fig. 1 (Family: none)

Document 2: JP 10-81595 A (Shin-Etsu Handotai Co., Ltd.), 31 March 1998, all pages (Family: none)

Document 3: JP 9-235173 A (Sumitomo Sitix Corp.), 09 September 1997, all pages (Family: none)

Document 4: JP 2004-244236 A (Komatsu Electronic Metals Co., Ltd.), 02 September 2004, paragraph [0034] (Family: none)

The invention as in claims 1-10 is novel and involves an inventive step in the light of documents 1 to 4 cited in the ISR. For a single-crystal pulling apparatus, documents 1 to 4 do not disclose a feature of enabling a heating means for heating the starting material filled into the crucible and a cooling means for cooling the hot-zone components to be installed in a multi-purpose chamber which can be exchanged with the pull chamber. Meanwhile, due to said feature, the invention of the present application exerts the advantageous effect of shortening the production time.

PATENT COOPERATION TREATY

PCT/JP2009/001888

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)* 02 December 2010 (02.12.2010)	
Applicant's or agent's file reference 08F00023WO	IMPORTANT NOTICE

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/001888	24 April 2009 (24.04.2009)	20 May 2008 (20.05.2008)

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: pt08.pct@wipo.int

Form PCT/IB/326 (January 2004)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 08F00023WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/001888	International filing date *(day/month/year)* 24 April 2009 (24.04.2009)	Priority date *(day/month/year)* 20 May 2008 (20.05.2008)
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.

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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 23 November 2010 (23.11.2010)
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）

代理人
好宮幹夫
様

あて名
〒110-0006
日本国東京都台東区上野７丁目６番１１号第一下谷ビル８Ｆ

ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日（日.月.年）	21. 07. 2009
出願人又は代理人の書類記号　08F00023WO	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／ＪＰ２００９／００１８８８	国際出願日（日.月.年）　24. 04. 2009
	優先日（日.月.年）　20. 05. 2008
国際特許分類（ＩＰＣ）Int.Cl. C30B15/00(2006.01)i, C30B15/02(2006.01)i	
出願人（氏名又は名称） 信越半導体株式会社	

１．この見解書は次の内容を含む。

- [x] 第Ⅰ欄　見解の基礎
- [ ] 第Ⅱ欄　優先権
- [ ] 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- [ ] 第Ⅳ欄　発明の単一性の欠如
- [x] 第Ⅴ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- [ ] 第Ⅵ欄　ある種の引用文献
- [ ] 第Ⅶ欄　国際出願の不備
- [ ] 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日 09. 07. 2009		
名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１６ 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） 田中　則充 電話番号　03－3581－1101　内線　3416	4G　4489

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/JP2009/001888

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／JP2009／001888

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 63-319287 A（東芝セラミックス株式会社）1988.12.27,
請求項１、第１２欄～第１６欄、第１図（ファミリーなし）
文献２：JP 10-81595 A（信越半導体株式会社）1998.03.31,
全頁（ファミリーなし）
文献３：JP 9-235173 A（住友シチックス株式会社）1997.09.09,
全頁（ファミリーなし）
文献４：JP 2004-244236 A（コマツ電子金属株式会社）2004.09.02,
段落【００３４】（ファミリーなし）

請求項１～１０に係る発明は、国際調査報告で引用された文献１～４に対して新規性及び進歩性を有する。文献１～４には、単結晶引上装置において、プルチャンバーと置換可能な多目的チャンバーに、ルツボに充填された原料を加熱する加熱手段、ホットゾーン部品を冷却する冷却手段をそれぞれ設置できるようにする点が記載されておらず、一方、本願発明はそれにより生産時間の短縮という有利な効果を発揮する。

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Takao ABE et al.

Application No.: 12/936,450

Filed: October 5, 2010

For: SINGLE-CRYSTAL MANUFACTURING APPARATUS

Group Art Unit:

Examiner:

Docket No.: 147168

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/JP2009/001888 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

Andrew B. Whitehead
Registration No. 61,989

WPB:ABW/abw

Date: February 23, 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

CLAIMS

1. A single-crystal manufacturing apparatus based on the Czochralski method having at least

a main chamber configured to accommodate hot zone components including a crucible, and

a pull chamber configured to accommodate and take out a single crystal pulled from a raw material melt contained in the crucible,

the apparatus further comprising a multipurpose chamber interchangeable with the pull chamber, wherein

a heating means for heating a raw material charged into the crucible and a cooling means for cooling the hot zone components after pulling the single crystal are placeable in the multipurpose chamber respectively.

2. The single-crystal manufacturing apparatus according to claim 1, wherein the multipurpose chamber has a moving mechanism for moving at least one of the heating means and the cooling means upwardly and downwardly above the crucible.

3. The single-crystal manufacturing apparatus according to claim 1 or claim 2, wherein the pull chamber and the multipurpose chamber are interchangeable with one another by a hydraulic unit.

4. The single-crystal manufacturing apparatus according to any one of claims 1 to 3, wherein the heating means has at least a heat source inside a quartz pipe, and the quartz pipe has inside a reflecting structure for reflecting heat rays toward the crucible.

5. The single-crystal manufacturing apparatus according to claim 4, wherein the heat source is a halogen lamp.

6. The single-crystal manufacturing apparatus according to any one of claims 1 to 5, wherein the cooling means is a cooling pipe through which a cooling medium circulates.

7. The single-crystal manufacturing apparatus according to any one of claims 1 to 6, wherein the multipurpose chamber has a gas inlet for introducing a cooling gas.

8. The single-crystal manufacturing apparatus according to any one of claims 1 to 7, wherein a raw-material charging means for containing a polycrystalline raw material and charging it into the crucible is placeable in the multipurpose chamber.

9. The single-crystal manufacturing apparatus according to claim 8, wherein the raw-material charging means is a recharge pipe charged with the polycrystalline raw material.

10. The single-crystal manufacturing apparatus according to claim 8 or claim 9, wherein the multipurpose chamber has a moving mechanism for moving the raw-material charging means upwardly and downwardly above the crucible.

請求の範囲

[請求項1] 少なくとも、ルツボを含むホットゾーン部品を収容するメインチャンバーと、

前記ルツボに収容された原料融液から引上げられる単結晶を収納して取り出すためのプルチャンバーとを具備するチョクラルスキー法による単結晶製造装置であって、

該単結晶製造装置は、さらに前記プルチャンバーと置換可能な多目的チャンバーを具備するものであり、

前記多目的チャンバーは、前記ルツボに充填された原料を加熱する加熱手段、前記単結晶の引上げ後に前記ホットゾーン部品を冷却する冷却手段をそれぞれ設置できるものであることを特徴とする単結晶製造装置。

[請求項2] 前記多目的チャンバーは、前記加熱手段、及び冷却手段の少なくとも１つを前記ルツボの上で上下動させる移動機構を具備するものであることを特徴とする請求項１に記載の単結晶製造装置。

[請求項3] 前記プルチャンバーと前記多目的チャンバーは、油圧ユニットにより置換可能とされるものであることを特徴とする請求項１又は請求項２に記載の単結晶製造装置。

[請求項4] 前記加熱手段は少なくとも石英管の内部に熱源を具備するものであり、前記石英管はその内側に前記ルツボに向けて熱線を反射する反射構造を有するものであることを特徴とする請求項１乃至請求項３のいずれか１項に記載の単結晶製造装置。

[請求項5] 前記熱源はハロゲンランプであることを特徴とする請求項４に記載の単結晶製造装置。

[請求項6] 前記冷却手段は、冷却媒体が流通される冷却管であることを特徴とする請求項１乃至請求項５のいずれか１項に記載の単結晶製造装置。

[請求項7] 前記多目的チャンバーは、冷却ガスを導入するガス導入口を具備するものであることを特徴とする請求項１乃至請求項６のいずれか１項に記載の単結晶製造装置。

[請求項8] 前記多目的チャンバーは、原料多結晶を収容して前記ルツボに充填する原料充填手段を設置できるものであることを特徴とする請求項１乃至請求項７のいずれか１項に記載の単結晶製造装置。

[請求項9] 前記原料充填手段は、前記原料多結晶を充填したリチャージ管であることを特徴とする請求項８に記載の単結晶製造装置。

[請求項10] 前記多目的チャンバーは、前記原料充填手段を前記ルツボの上で上下動させる移動機構を具備するものであることを特徴とする請求項８又は請求項９に記載の単結晶製造装置。

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/936,450	10/05/2010	Takao Abe	147168	3132

25944 7590 04/26/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KUNEMUND, ROBERT M

ART UNIT	PAPER NUMBER
1714	

NOTIFICATION DATE	DELIVERY MODE
04/26/2011	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

CT

April 25, 2011

In re application of Takao Abe et al Serial No. 12/936,450 Filed: October 5, 2010 For: SINGLE-CRYSTAL MANUFACTURING 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 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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:	12/936,471	Filing date:	October 5, 2010
First Named Inventor:	Akira SAKAI		
Title of the Invention:	LIQUID CRYSTAL DISPLAY DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/067660

The international date of the corresponding PCT application(s) is/are: 9 October 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.:	12/936,471
First Named Inventor:	Akira SAKAI

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 5, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 5, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
14	3	Both claims are substantially the same, with PCT claim 3 dependi
15	4	Both claims are substantially the same
16	5	Both claims are substantially the same
17	6	Both claims are substantially the same except for claim depender
18	7	Both claims are substantially the same except for claim depender
19	3	US Claim 19 depends only on US Claim 14 and includes addition
20	6	Both claims include substantially the same subject matter except
21	7	Both claims are substantially the same except for claim depender
22	6	US Claim 22 depends only on Claim 20 and includes additional lir
23	9	Both claims are substantially the same, PCT claim 9 including lim
24	10	Both claims are substantially the same
25	11	Both claims are substantially the same
26	12	Both claims are substantially the same except for claim depender
27	13	Both claims are substantially the same except for claim depender
28	9	US Claim 28 depends only on Claim 23 and includes additional lir
29	13	Both claims are substantially the same except for claim depender
30	13	US Claim 30 depends only on US Claim 29 and includes addition

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /H. Warren Burnam, Jr./	Date December 3, 2010
Name (Print/Typed) H. Warren Burnam, Jr.	Registration Number 29,366

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.

English translation of Claims in PCT/JP2009/067660

1. A liquid crystal display device, comprising in the following order:

a first polarizer;

a first birefringent layer (I);

a liquid crystal cell including a liquid crystal layer interposed between a pair of substrates facing each other,

a second birefringent layer (I);

a birefringent layer (II); and

a second polarizer,

the first and second birefringent layers (I) each satisfying $nx > ny \geq nz$, having an in-plane retardation of $\lambda/4$, and having substantially the same Nz coefficient,

the birefringent layer (II) satisfying $nx < ny \leq nz$, wherein

the first birefringent layer (I) has an in-plane slow axis forming an angle of about 45° with an absorption axis of the first polarizer;

the second birefringent layer (I) has an in-plane slow axis substantially orthogonal to the in-plane slow axis of the first birefringent layer (I);

the second polarizer has an absorption axis substantially orthogonal to the absorption axis of the first polarizer;

the birefringent layer (II) has an in-plane fast axis substantially orthogonal to the absorption axis of the second polarizer; and

the LC cell displays a black screen by aligning liquid crystal molecules in the liquid crystal layer substantially vertically to the substrate surface.

2. The liquid crystal display device according to Claim 1,

further comprising at least one birefringent layer (III) satisfying $nx \approx ny \geq nz$ between the first birefringent layer (I) and the liquid crystal cell and/or between the liquid crystal cell and the second birefringent layer (I).

3. The liquid crystal display device according to Claim 2,

wherein the liquid crystal display device satisfies the following formulae (1) to (3):

$1.0 \leq Nzq \leq 2.9$ (1)

$(169\ nm \times Nzq - 81\ nm) - 30\ nm \leq Rlc + R3$ (2)

$Rlc + R3 \leq (169\ nm \times Nzq - 81\ nm) + 30\ nm$ (3),

where the Nz coefficient of each of the first and second birefringent lay ers (I) is defined as Nzq;

a thickness-direction retardation of the liquid crystal cell in a black state is defined as Rlc;

a sum of a thickness-direction retardation of the at least one birefringent layer (III) disposed between the first birefringent layer (I) and the second bire fringent layer (I) is defined as R3.

4. The liquid crystal display device according to Claim 3,

wherein the liquid crystal display device satisfies the following formulae (4) to (7):

$(-0.63 \times Nzq2 + 0.56 \times Nzq + 0.40) - 0.35 \leq Nz2$ (4)

$Nz2 \leq (-0.63 \times Nzq2 + 0.56 \times Nzq + 0.40) + 0.35$ (5)

$(43\ nm \times Nzq2 - 226\ nm \times Nzq + 370\ nm) - 30\ nm \leq R2$ (6)

$R2 \leq (43\ nm \times Nzq2 - 266\ nm \times Nzq + 370\ nm) + 30\ nm$ (7),

where an Nz coefficient of the birefringent layer (II) is defined as Nz2; and

an in-plane retardation of the birefringent layer (II) is defined as R2.

5. The liquid crystal display device according to Claim 4,

wherein the liquid crystal display device satisfies $1.40 \leq Nzq$.

6. The liquid crystal display device according to any one of Claims 2

to 5,

wherein the liquid crystal display device satisfies $2.00 < Nzq$, where the Nz coefficient of each of the first and second birefringent layers (I) is define d as Nzq.

7. The liquid crystal display device according to Claim 2 or 3,

wherein the liquid crystal display device satisfies:

$Nzq < 1.40$;

$-0.35 \leq Nz2 \leq 0$; and

$108 \text{ nm} \leq R2 \leq 168 \text{ nm}$,

where the Nz coefficient of each of the first and second birefringent lay ers (I) is defined as Nzq;

an Nz coefficient of the birefringent layer (II) is defined as Nz2; and

an in-plane retardation of the birefringent layer (II) is defined as R2.

8. The liquid crystal display device according to Claim 1,

wherein the liquid crystal display device is free of a birefringent layer (I II) satisfying $nx \approx ny \geq nz$ between the first birefringent layer (I) and the liq uid crystal cell and between the liquid crystal cell and the second birefringent layer (I).

9. The liquid crystal display device according to Claim 8,

wherein the liquid crystal display device satisfies the following formulae (1), (8), and (9):

$1.0 \leq Nzq \leq 2.9$ (1)

$(169 \text{ nm} \times Nzq - 81 \text{ nm}) - 30 \text{ nm} \leq Rlc$ (8)

$Rlc \leq (169 \text{ nm} \times Nzq - 81 \text{ nm}) + 30 \text{ nm}$ (9),

where the Nz coefficient of each of the first and second birefringent lay ers (I) is defined as Nzq; and

a thickness-direction retardation of the liquid crystal cell in a black state is defined as Rlc.

10. The liquid crystal display device according to Claim 9,

wherein the liquid crystal display device satisfies the following (4) to (7) :

$(-0.63 \times Nzq2 + 0.56 \times Nzq + 0.40) - 0.35 \leq Nz2$ (4)

$Nz2 \leq (-0.63 \times Nzq2 + 0.56 \times Nzq + 0.40) + 0.35$ (5)

$(43\ nm \times Nzq2 - 226\ nm \times Nzq + 370\ nm) - 30\ nm \leq R2$ (6)

$R2 \leq (43\ nm \times Nzq2 - 266\ nm \times Nzq + 370\ nm) + 30\ nm$ (7),

where an Nz coefficient of the birefringent layer (II) is defined as Nz2; and

an in-plane retardation of the birefringent layer (II) is defined as R2.

11. The liquid crystal display device according to Claim 10,

wherein the liquid crystal display device satisfies $1.40 \leq Nzq$.

12. The liquid crystal display device according to Claim 8 or 9,

wherein the liquid crystal display device satisfies:

$Nzq < 1.40$;

$-0.35 \leq Nz2 \leq 0$; and

$108\ nm \leq R2 \leq 168\ nm$,

where the Nz coefficient of each of the first and second birefringent layers (I) is defined as Nzq;

an Nz coefficient of the birefringent layer (II) is defined as Nz2; and

an in-plane retardation of the birefringent layer (II) is defined as R2.

13. The liquid crystal display device according to any one of Claims 8 to 12,

wherein the liquid crystal display device satisfies $2.00 \leq Nzq$, where the Nz coefficient of each of the first and second birefringent layers (I) is define d as Nzq.

(end)

CERTIFICATION

I, Takanori Tamai residing at TRUST TOWER, 5-36, Miyahara 3-chome, Yodogawa-ku, Osaka 532-0003 JAPAN, do hereby certify that I am fully conversant and fluent in both the English and Japanese languages, and I further certify that to the best of my knowledge and belief that the attached English translation is a full, accurate and true translation of "CLAIMS in PCT/JP2009/067660".

Date: August 6th, 2010

Takanori Tamai

Claims in PCT/JP2009/067660

【請求項１】

ｎｘ＞ｎｙ≧ｎｚの関係を満たす複屈折層を第一種の複屈折層、

ｎｘ＜ｎｙ≦ｎｚの関係を満たす複屈折層を第二種の複屈折層、と定義するとき、

第一の偏光子、

面内位相差がλ／４に調整された第一の第一種の複屈折層、

一対の対向する基板間に液晶層を備える液晶セル、

該第一の第一種の複屈折層と略同じＮｚ係数を有し、面内位相差がλ／４に調整された第二の第一種の複屈折層、

第二種の複屈折層、及び、

第二の偏光子

をこの順に有する液晶表示装置であって、

該第一の第一種の複屈折層の面内遅相軸は、該第一の偏光子の吸収軸に対して略４５°の角度をなし、

該第二の第一種の複屈折層の面内遅相軸は、該第一の第一種の複屈折層の面内遅相軸に対して略直交し、

該第二の偏光子の吸収軸は、該第一の偏光子の吸収軸に対して略直交し、

該第二種の複屈折層の面内進相軸は、該第二の偏光子の吸収軸に対して略直交し、

液晶層中の液晶分子を基板面に略垂直に配向させることで黒表示を行う

ことを特徴とする液晶表示装置。

【請求項２】

ｎｘ≒ｎｙ≧ｎｚの関係を満たす複屈折層を第三種の複屈折層、と定義するとき、

該第一の第一種の複屈折層と該液晶セルとの間、及び、該液晶セルと該第二の第一種の複屈折層との間の少なくとも一方に、第三種の複屈折層を少なくとも一層有することを特徴とする、請求項１に記載の液晶表示装置。

【請求項３】

前記第一及び第二の第一種の複屈折層のＮｚ係数をＮｚｑ、

前記液晶セルの黒表示時の厚み方向位相差をＲｌｃ、

前記第一の第一種の複屈折層と前記第二の第一種の複屈折層との間に配置された少なくとも一層の第三種の複屈折層の厚み方向位相差の総和をＲ３、と定義するとき、

下記式（１）～（３）を満足することを特徴とする、請求項２に記載の液晶表示装置。

１．０≦Ｎｚｑ≦２．９　　（１）

（１６９ｎｍ×Ｎｚｑ－８１ｎｍ）－３０ｎｍ≦Ｒｌｃ＋Ｒ３　　（２）

Ｒｌｃ＋Ｒ３≦（１６９ｎｍ×Ｎｚｑ－８１ｎｍ）＋３０ｎｍ　　（３）

【請求項４】

前記第二種の複屈折層のＮｚ係数をＮｚ２、面内位相差をＲ２、と定義するとき、

下記式（４）～（７）を満足することを特徴とする、請求項３に記載の液晶表示装置。

（－０．６３×Ｎｚｑ２＋０．５６×Ｎｚｑ＋０．４０）－０．３５≦Ｎｚ２　　（４）

Ｎｚ２≦（－０．６３×Ｎｚｑ２＋０．５６×Ｎｚｑ＋０．４０）＋０．３５　　（５）

（４３ｎｍ×Ｎｚｑ２－２２６ｎｍ×Ｎｚｑ＋３７０ｎｍ）－３０ｎｍ≦Ｒ２　　（６）

Ｒ２≦（４３ｎｍ×Ｎｚｑ２－２２６ｎｍ×Ｎｚｑ＋３７０ｎｍ）＋３０ｎｍ　　（７）

【請求項５】

１．４０≦Ｎｚｑを満たすことを特徴とする、請求項４に記載の液晶表示装置。

【請求項６】

前記第一及び第二の第一種の複屈折層のＮｚ係数をＮｚｑ、と定義するとき、

２．００＜Ｎｚｑを満たすことを特徴とする、請求項２～５のいずれかに記載の液晶表示装置。

【請求項７】

前記第一及び第二の第一種の複屈折層のＮｚ係数をＮｚｑ、

前記第二種の複屈折層のＮｚ係数をＮｚ２、面内位相差をＲ２、と定義するとき、

Ｎｚｑ＜１．４０を満たし、－０．３５≦Ｎｚ２≦０を満たし、かつ１０８ｎｍ≦Ｒ２≦１６８ｎｍを満たす、ことを特徴とする、請求項２又は３に記載の液晶表示装置。

【請求項８】

ｎｘ≒ｎｙ≧ｎｚの関係を満たす複屈折層を第三種の複屈折層、と定義するとき、

該第一の第一種の複屈折層と該液晶セルとの間、及び、該液晶セルと該第二の第一種の複屈折層との間に、第三種の複屈折層を有しないことを特徴とする、請求項１に記載の液晶表示装置。

【請求項９】

前記第一及び第二の第一種の複屈折層のＮｚ係数をＮｚｑ、

前記液晶セルの黒表示時の厚み方向位相差をＲｌｃ、と定義するとき、

下記式（１）、（８）及び（９）を満足することを特徴とする、請求項８に記載の液晶表示装置。

１．０≦Ｎｚｑ≦２．９　　（１）

（１６９ｎｍ×Ｎｚｑ－８１ｎｍ）－３０ｎｍ≦Ｒｌｃ　　（８）

Ｒｌｃ≦（１６９ｎｍ×Ｎｚｑ－８１ｎｍ）＋３０ｎｍ　　（９）

【請求項１０】

前記第二種の複屈折層のＮｚ係数をＮｚ２、面内位相差をＲ２、と定義するとき、

下記式（４）～（７）を満足することを特徴とする、請求項９に記載の液晶表示装置。

（－０．６３×Ｎｚｑ２＋０．５６×Ｎｚｑ＋０．４０）－０．３５≦Ｎｚ２　　（４）

Ｎｚ２≦（－０．６３×Ｎｚｑ２＋０．５６×Ｎｚｑ＋０．４０）＋０．３５　　（５）

（４３ｎｍ×Ｎｚｑ２－２２６ｎｍ×Ｎｚｑ＋３７０ｎｍ）－３０ｎｍ≦Ｒ２　　（６）

Ｒ２≦（４３ｎｍ×Ｎｚｑ２－２２６ｎｍ×Ｎｚｑ＋３７０ｎｍ）＋３０ｎｍ　　（７）

【請求項１１】

１．４０≦Ｎｚｑを満たすことを特徴とする、請求項１０に記載の液晶表示装置。

【請求項１２】

前記第一及び第二の第一種の複屈折層のＮｚ係数をＮｚｑ、

前記第二種の複屈折層のＮｚ係数をＮｚ２、面内位相差をＲ２、と定義するとき、

Ｎｚｑ＜１．４０を満たし、－０．３５≦Ｎｚ２≦０を満たし、かつ１０８ｎｍ≦Ｒ２≦１６８ｎｍを満たす、ことを特徴とする、請求項８又は９に記載の液晶表示装置。

【請求項１３】

前記第一及び第二の第一種の複屈折層のＮｚ係数をＮｚｑ、と定義するとき、

２．００≦Ｎｚｑを満たすことを特徴とする、請求項８～１２のいずれかに記載の液晶表示装置。

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/936,471	10/05/2010	Akira Sakai	4578-75	3348

23117 7590 01/12/2011
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
NELMS, DAVID C

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
01/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of
Akira SAKAI
Application No.: 12/936,471
Filed: 05 October 2010
Attorney Docket No.: 4578-75
For: LIQUID CRYSTAL DISPLAY DEVICE

: 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 03 December 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Conditions (1-3), and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (4).

Regarding the requirement of condition (4), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. Specifically, claim 20 of the US application requires "the liquid crystal display device satisfies Nzq < 2.00" while claim 6 of the PCT application requires "the liquid crystal display device satisfies 2.00 < Nzq."

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SAKAI Atty. Ref.: 4578-75; Confirmation No. 3348

Appl. No. 12/936,471 TC/A.U. 2871

Filed: October 4, 2010 Examiner: To be assigned

For: LIQUID CRYSTAL DISPLAY DEVICE

* * * * * * * * * * *

February 4, 2011

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RENEWED REQUEST FOR PARTICPATION IN PATENT PROSECUTION HIGHWAY (PPH) BETWEEN JPO AND USPTO

In response to the Decision mailed January 12, 2011, Applicants renew their Request for Participation In the Patent Prosecution Highway (PPH) Program Between the JPO and the USPTO as initially filed on December 3, 2010. The January 12, 2011 Decision alleged that the Petition failed to meet condition (4), and pointed specifically to independent claim 20.

Applicants have today filed a Second Preliminary Amendment which cancels claims 20 – 22, thereby mooting the alleged deficiency of the initial Petition. Applicants today also submit a further Request (Form PTO/SB/20JP) in which Applicants indicate the cancellation of claims and provide corrected explanation regarding US claim 17.

In view of the Renewed Petition and the foregoing, favorable consideration of the Petition/Request is thus respectfully requested.

The Commissioner is hereby 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 our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

February 4, 2011

By: /H. Warren Burnam, Jr./

H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:lsh
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

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:	12/936,471	Filing date:	October 5, 2010
First Named Inventor:	Akira SAKAI		
Title of the Invention:	LIQUID CRYSTAL DISPLAY DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/067660

The international date of the corresponding PCT application(s) is/are: 9 October 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.:	12/936,471
First Named Inventor:	Akira SAKAI

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 5, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 5, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
14	3	Both claims are substantially the same, with PCT claim 3 dependi
15	4	Both claims are substantially the same
16	5	Both claims are substantially the same
17	3	US Claim 17 depends only on US Claim 14 and includes addition
18	7	Both claims are substantially the same except for claim depender
19	3	US Claim 19 depends only on US Claim 14 and includes addition
20	6	US claim now cancelled
21	7	US claim now cancelled
22	6	US claim now cancelled
23	9	Both claims are substantially the same, PCT claim 9 including lim
24	10	Both claims are substantially the same
25	11	Both claims are substantially the same
26	12	Both claims are substantially the same except for claim depender
27	13	Both claims are substantially the same except for claim depender
28	9	US Claim 28 depends only on Claim 23 and includes additional lir
29	13	Both claims are substantially the same except for claim depender
30	13	US Claim 30 depends only on US Claim 29 and includes addition

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /H. Warren Burnam, Jr./	Date February 4, 2011
Name (Print/Typed) H. Warren Burnam, Jr.	Registration Number 29,366

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.
12/936,471	10/05/2010	Akira Sakai	4578-75	3348

23117 7590 04/26/2011
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
NELMS, DAVID C

ART UNIT	PAPER NUMBER
2871	

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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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	**: DECISION ON REQUEST TO**
Akira SAKAI	**: PARTICIPATE IN THE PATENT**
Application No.: 12/936,471	**: PROSECUTION HIGHWAY**
Filed: 05 October 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 4578-75	**: TO MAKE SPECIAL UNDER**
For: LIQUID CRYSTAL DISPLAY DEVICE	**: 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 03 December 2010 and renewed on 04 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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:	12/936,480	Filing date:	October 5, 2010
First Named Inventor:	Tooru NAGASE		
Title of the Invention:	HIGH PRESSURE DISCHARGE LAMP BALLAST AND LIGHT SOURCE 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/JP09/055261

The international date of the corresponding PCT application(s) is/are: March 18, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/936,480
First Named Inventor:	Tooru NAGASE

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 22, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 22, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-8	1-8	Claims 1-8 of the present application have the same scope as claims 1-8 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 4-1-2011
Name (Print/Typed) Eric J. Robinson	Registration Number 38,285

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.
12/936,480	10/05/2010	Tooru Nagase	0670-7173	3451

31780 7590 04/21/2011
Robinson Intellectual Property Law Office, P.C.
3975 Fair Ridge Drive
Suite 20 North
Fairfax, VA 22033

EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Robinson Intellectual Property Law Office, P.C.
3975 Fair Ridge Drive
Suite 20 North
Fairfax VA 22033

In re Application of	
NAGASE et al.	**: DECISION ON REQUEST TO**
Application No.: 12/936,480	**: PARTICIPATE IN THE PATENT**
Filed: 05 October 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 0670-7173	**: PROGRAM AND PETITION**
For: HIGH PRESSURE DISCHARGE	**: TO MAKE SPECIAL UNDER**
LAMP BALLAST AND LIGHT	**: 37 CFR 1.102(a)**
SOURCE APPARATUS	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 01 April 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1-2), (5), and (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (3) and (6).

Regarding the requirement of condition (3), applicant has failed to submit an English translation of the claims from the PCT application that have novelty, inventive step, and industrial applicability and a statement that the English translation is accurate.

It cannot be determined whether condition (4) has been met since condition (3) has not been met.

Regarding the requirement of condition (6), applicant has failed to submit a Japanese language copy of the Written Opinion (ISA/237).

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

Attorney Docket No. 0670-7173

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	Confirmation No.: 3451
Tooru NAGASE et al.	)	Group Art Unit: 2821
Serial No.: 12/936,480	)	Examiner: Lee W. Young
Filed: October 5, 2010	)	
For: HIGH PRESSURE DISCHARGE	)	
LAMP BALLAST AND LIGHT	)	
SOURCE APPARATUS		

RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN THE PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR1.102(a)

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Decision on Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special Under 37 CFR 1.102(a) mailed April 21, 2011, has been received and its contents carefully noted. This response is filed within the one month for reply set forth in the Decision and therefore is believed to be timely.

Applicant notes with appreciation the indication in the Decision that Requirements (1)-(2), (5), and (7) have been met. The Decision dismisses the Request and Petition for failure to meet requirements (3) and (6), and further notes that it is not clear if requirement (4) has been met. As described in detail below, each of these asserted deficiencies are believed to be corrected in the attached Request and Petition submitted herewith. Favorable reconsideration is requested.

Specifically, with reference to requirement (3), the Decision notes that applicant has failed to submit an English translation of the claims from the PCT application that have novelty, inventive step, and industrial applicability and a statement that the English

translation is accurate. In response, the required English translation of the claims of the PCT application and required statement that the English translation is accurate are attached hereto. Furthermore, although the original Japanese language claims are already believed to be included in the application, the Applicant has also attached the original Japanese language claims of the PCT application to ensure compliance with the above Requirements.

With respect to requirement (4) that all the claims in the U.S. application must sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application, it is noted that the pending claims in the subject application as set forth in the Preliminary Amendment filed October 22, 2010 are substantially identical to the claims of the PCT application as evidenced by the English translation submitted with reference to requirement (3) above. Accordingly, requirement (4) is believed to be satisfied.

With reference to requirement (6), the Decision notes that applicant has failed to submit a Japanese language copy of the Written Opinion (ISA/237). In response, the original Japanese language copy of the Written Opinion is attached hereto. In addition, although the English translation thereof is already in the file, the English translation of the Written Opinion is again included herewith to ensure complete compliance with Requirement (6) of the Patent Prosecution Highway pilot program.

Accordingly, it is believed that the corrected Petition and Request submitted herewith is in compliance with each Requirement of the Patent Prosecution Highway pilot program. Should the Examiner believe that anything further would be desirable to place this application in compliance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,

Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
3975 Fair Ridge Drive, Suite 20 North
Fairfax, Virginia 22033
(571) 434-6789

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
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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:	12/936,480	Filing date:	October 5, 2010
First Named Inventor:	Tooru NAGASE		
Title of the Invention:	HIGH PRESSURE DISCHARGE LAMP BALLAST AND LIGHT SOURCE 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/JP09/055261

The international date of the corresponding PCT application(s) is/are: March 18, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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.:	12/936,480
First Named Inventor:	Tooru NAGASE

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 22, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 22, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-8	1-8	Claims 1-8 of this application have the same scope as claims 1-8 of the PCT application.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Eric J. Robinson/	Date May 23, 2011
Name (Print/Typed) Eric J. Robinson	Registration Number 38,285

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of
Inventor: Tooru NAGASE, Yoshiaki KOMATSU, Makoto OHKAHARA, Hirokazu HARASAWA, and Yoshiaki KURODA
Application No. 12/936480
Title: HIGH PRESSURE DISCHARGE LAMP BALLAST AND LIGHT SOURCE APPARATUS

VARIFIED TRANSLATION OF DOCUMENTS CONCERNING JAPANESE PATENT APPLICATION

I, Takahisa Hamaguchi, a Japanese Patent Attorney registered No. 100160967, of Okabe International Patent Office at No. 602, Fuji Bldg., 2-3, Marunouchi 3-chome, Chiyoda-ku, Tokyo, Japan, hereby declare under penalty of perjury under the laws of the United States of America that I have a thorough knowledge of Japanese and English languages, and that the attached are accurate translations of claims 1 to 8 of PCT International Application No.PCT/JP2009/055261 filed on March 18, 2009.

signed this day of May 19, 2011

T Hamaguchi

Takahisa HAMAGUCHI

(translation)

PCT application No.PCT/JP2009/055261

[Claims]

[1] A high pressure discharge lamp ballast for driving a high pressure discharge lamp with a synthesized-waveform alternating current comprising combination of a first set of current waveforms and a second set of current waveforms, the high pressure discharge lamp including a pair of electrodes disposed to face each other, the ballast being used in a DLP system employing a color wheel, the ballast comprising:

a control means for controlling each of content rates of the first and second sets in the synthesized-waveform current per unit time;

a detection means for detecting a synchronization signal for a rotation of the color wheel;

an output means for applying a synthesized-waveform current in accordance with the synchronization signal and the content rates to the high pressure discharge lamp; and

a detection means for detecting a lamp voltage of the high pressure discharge lamp, wherein

the first and second sets are each in a waveform inverted so as to correspond to at least one of a rotational speed of the color wheel and divided positions of segments of the color wheel, a period of each of the first and second sets has a length equivalent to one rotation of the color wheel, and the number of inversions of the second set is larger than the number of inversions of the first set, and

the control means is configured to set the content rate of the second set to R_L% when the lamp voltage exceeds a predetermined value V, and to set the content rate of the second set to R_H% ($0 \leq R_L < R_H \leq 100$) when the lamp voltage falls below a predetermined value V'.

[2] The high pressure discharge lamp ballast according to claim 1, wherein, in the second set, an inversion occurs during

a period corresponding to at least one of the segments.

[3] A light source apparatus which comprising a DLP system including the high pressure discharge lamp ballast, the high pressure discharge lamp, and the color wheel according to claim 1.

[4] A high pressure discharge lamp ballast for driving a high pressure discharge lamp with a synthesized-waveform alternating current made of a plurality of frequency components f1 to fn ($n \geq 3$, $fn-1 < fn$), the high pressure discharge lamp including a pair of electrodes disposed to face each other, the ballast being used in a projector and comprising:

a control means for controlling a component contained ratio of the frequency components f1 to fn per unit time;

an output means for applying a synthesized-waveform current in accordance with the component contained ratio to the high pressure discharge lamp; and

a detection means for detecting a lamp voltage of the high pressure discharge lamp, wherein

the control means is configured to select a first component contained ratio C_1 when the lamp voltage exceeds a predetermined value V, and to select a second component contained ratio C_2 when the lamp voltage falls below a predetermined value V', and

an average frequency of the second component contained ratio C_2 is higher than an average frequency of the first component contained ratio C_1, and the plurality of the frequency components f1 to fn are frequency components not interfering with a video signal used in the projector.

[5] A light source apparatus comprising a projector including the high pressure discharge lamp ballast and the high pressure discharge lamp according to claim 4.

[6] A method for driving a high pressure discharge lamp with

a synthesized-waveform alternating current made of a combination of a first set of a current waveform and a second set of a current waveform, the high pressure discharge lamp including a pair of electrodes disposed to face each other, the method being used in a DLP system employing a color wheel, the method comprising the steps of:

detecting a synchronization signal for a rotation of the color wheel;

detecting a lamp voltage of the high pressure discharge lamp;

controlling each of content rates of the first and second sets in the synthesized-waveform current per unit time on the basis of the detected lamp voltage; and

applying a synthesized-waveform current in accordance with the synchronization signal and the content rates to the high pressure discharge lamp, wherein

the first and second sets are each in a waveform inverted so as to correspond to at least one of a rotational speed of the color wheel and divided positions of segments of the color wheel, a period of each of the first and second sets has a length equivalent to one rotation of the color wheel, and the number of inversions of the second set is larger than the number of inversions of the first set, and

the controlling includes the steps of

setting the content rate of the second set to R_L% when the lamp voltage exceeds a predetermined value V; and

setting the content rate of the second set to R_H% when the lamp voltage falls below a predetermined value V', where $0 \leq R_L < R_H \leq 100$.

[7] The method according to claim 6, wherein, in the second set, an inversion occurs during a period corresponding to at least one of the segments.

[8] A method for driving a high pressure discharge lamp with a synthesized-waveform alternating current comprising a

plurality of frequency components f1 to fn ($n \geq 3$, $fn-1 < fn$), the high pressure discharge lamp including a pair of electrodes disposed to face each other, the method being used in a projector and comprising the steps of:

detecting a lamp voltage of high pressure discharge lamp;

controlling a component contained ratio of the frequency components f1 to fn per unit time on the basis of the detected lamp voltage; and

applying a synthesized-waveform current in accordance with the component contained ratio to the high pressure discharge lamp, wherein

the controlling includes the steps of

selecting a first component contained ratio C_1 when the lamp voltage exceeds a predetermined value V; and

selecting a second component contained ratio C_2 when the lamp voltage falls below a predetermined value V', and

an average frequency of the second component contained ratio C_2 is higher than an average frequency of the first component contained ratio C_1, and the plurality of frequency components f1 to fn are frequency components not interfering with a video signal used in the projector.

請求の範囲

[1] カラーホイールを用いるDLPシステムに使用される高圧放電灯点灯装置であって、対向配置された一対の電極を有する高圧放電灯を、第1のセットの電流波形及び第2のセットの電流波形の組み合わせからなる合成波形電流で交流点灯させる高圧放電灯点灯装置において、

前記合成波形電流における前記第1及び第2のセットの単位時間当たりの含有率を制御する制御手段、

前記カラーホイールの回転についての同期信号を検知する検知手段、

前記同期信号及び前記含有率に従った合成波形電流を前記高圧放電灯に印加する出力手段、及び

前記高圧放電灯のランプ電圧を検出する検出手段

を備え、

前記第1及び第2のセットが前記カラーホイールの回転速度及び該カラーホイールのセグメントの分割位置の少なくとも1つに対応して反転される波形であり、該第1及び第2のセットの各期間長が該カラーホイールの1回転に相当する長さであり、該第2のセットにおける反転回数が該第1のセットにおける反転回数よりも多く、

前記制御手段が、ランプ電圧が所定値Vを超えた場合に前記第2のセットの含有率をR_L%とし、ランプ電圧が所定値V´未満となった場合に該第2のセットの含有率をR_H%($0 \leqq R_L < R_H \leqq 100$)とするよう構成された高圧放電灯点灯装置。

[2] 請求項1記載の高圧放電灯点灯装置において、

前記第2のセットにおいて、前記セグメントのうちの少なくとも1つに対応する期間中に反転が行なわれる高圧放電灯点灯装置。

[3] 請求項1記載の高圧放電灯点灯装置、前記高圧放電灯及び前記カラーホイールを備えたDLPシステムからなる光源装置。

[4] プロジェクタに使用され、対向配置された一対の電極を有する高圧放電灯を複数の周波数成分f1～fn(n≧3、fn－1＜fn)からなる合成波形電流で交流点灯させる高圧放電灯点灯装置であって、

前記周波数成分f1～fnの単位時間当たりの含有構成比を制御する制御手段、

該含有構成比に従った合成波形電流を前記高圧放電灯に印加する出力手段、及び

前記高圧放電灯のランプ電圧を検出する検出手段

を備え、

前記制御手段が、ランプ電圧が所定値Vを超えた場合に第1の含有構成比C_1を選択し、ランプ電圧が所定値V´未満となった場合に第2の含有構成比C_2を選択するよう構成され、

前記第2の含有構成比C_2における平均周波数が前記第1の含有構成比C_1における平均周波数よりも高く、前記複数の周波数成分f1～fnが前記プロジェクタに使用される映像信号と干渉しない周波数成分である高圧放電灯点灯装置。

[5] 請求項4記載の高圧放電灯点灯装置及び前記高圧放電灯を内包したプロジェクタからなる光源装置。

[6] カラーホイールを用いるDLPシステムにおいて使用され、対向配置された一対の電極を有する高圧放電灯を、第1のセットの電流波形及び第2のセットの電流波形の組み合わせからなる合成波形電流で交流点灯させる方法であって、

前記カラーホイールの回転についての同期信号を検知するステップ、

前記高圧放電灯のランプ電圧を検出するステップ、

検出されたランプ電圧に基づいて、前記合成波形電流における前記第1及び第2のセットの単位時間当たりの含有率を制御するステップ、及び

前記同期信号及び前記含有率に従った合成波形電流を前記高圧放電灯に印加するステップ

からなり、

前記第1及び第2のセットが前記カラーホイールの回転速度及び該カラーホイールのセグメントの分割位置の少なくとも1つに対応して反転される波形であり、該第1及び第2のセットの各期間長が該カラーホイールの1回転に相当する長さであり、該第2のセットにおける反転回数が該第1のセットにおける反転回数よりも多く、

前記制御するステップが、$0 \leq R_L < R_H \leq 100$として、

ランプ電圧が所定値Vを超えた場合に前記第2のセットの含有率をR_L%とするステ

ップ、及び

ランプ電圧が所定値V´未満となった場合に該第2のセットの含有率をR_H%とするステップ

を含む方法。

[7] 請求項6記載の方法において、

前記第2のセットにおいて、前記セグメントのうちの少なくとも1つに対応する期間中に反転が行なわれる方法。

[8] プロジェクタに使用され、対向配置された一対の電極を有する高圧放電灯を複数の周波数成分f1～fn(n≧3、fn－1＜fn)からなる合成波形電流で交流点灯させる方法であって、

前記高圧放電灯のランプ電圧を検出するステップ、

検出されたランプ電圧に基づいて、前記周波数成分f1～fnの単位時間当たりの含有構成比を制御するステップ、及び

該含有構成比に従った合成波形電流を前記高圧放電灯に印加するステップ

からなり、

前記制御するステップが、

ランプ電圧が所定値Vを超えた場合に第1の含有構成比C_1を選択するステップ、及び

ランプ電圧が所定値V´未満となった場合に第2の含有構成比C_2を選択するステップ

を含み、

前記第2の含有構成比C_2における平均周波数が前記第1の含有構成比C_1における平均周波数よりも高く、前記複数の周波数成分f1～fnが前記プロジェクタに使用される映像信号と干渉しない周波数成分である方法。

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

代理人
　岡部　正夫
様

あて名
〒100-0005
日本国東京都千代田区丸の内３－２－３
富士ビル６０２号室

ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日 （日.月.年）	１９．０５．２００９
出願人又は代理人 の書類記号　EYE003PCT	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／ＪＰ２００９／０５５２６１	（日.月.年）　１８．０３．２００９	（日.月.年）　０８．０４．２００８

国際特許分類（ＩＰＣ）Int.Cl. H05B41/24(2006.01)i

出願人（氏名又は名称）
岩崎電気株式会社

１．この見解書は次の内容を含む。
- ☑ 第Ｉ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
０１．０５．２００９

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員）　３Ｘ　３８３１ 塚本　英隆 電話番号　０３－３５８１－１１０１　内線　３３７２

国際調査機関の見解書

国際出願番号 ＰＣＴ／ＪＰ２００９／０５５２６１

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／ＪＰ２００９／０５５２６１

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	1-8	有
	請求項		無
進歩性（ＩＳ）	請求項	1-8	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1-8	有
	請求項		無

２．　文献及び説明

文献1:JP 2003-197386 A（エヌイーシーライティング株式会社）2003.07.11，図5
文献2:JP 2007-214010 A（セイコーエプソン株式会社）2007.08.23，図2
& US 2007/0188107 A1 & CN 101018440 A
文献3:JP 2005-38815 A（松下電工株式会社）2005.02.10，図13
& US 2007/0164687 A1 & EP 1720383 A1 & WO 2005/081589 A
& CN 1922934 A
文献4:JP 2006-120654 A（松下電工株式会社）2006.05.11，図13
& US 2007/0164687 A1 & EP 1720383 A1 & WO 2005/081589 A
& CN 1922934 A
文献5:JP 2007-242421 A（松下電工株式会社）2007.09.20，図1

請求の範囲1-8に係る発明は、国際調査報告に引用された上記のいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	
Applicant's or agent's file reference EYE003PCT	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/055261	18.03.2009	08.04.2008

International Patent Classification (IPC) or both national classification and IPC

Applicant
IWASAKI ELECTRIC 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/JP2009/055261

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/JP2009/055261

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims	1-8	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2003-197386 A (NEC Lighting Ltd.), 11 July 2003, fig. 5

Document 2: JP 2007-214010 A (Seiko Epson Corp.) 23 August 2007, fig. 2 & US 2007/0188107 A1 & CN 101018440 A

Document 3: JP 2005-38815 A (Matsushita Electric Works, Ltd.), 10 February 2005, fig. 13 & US 2007/0164687 A1 & EP 1720383 A1 & WO 2005/081589 A & CN 1922934 A

Document 4: JP 2006-120654 A (Matsushita Electric Works, Ltd.), 11 May 2006, fig. 13 & US 2007/0164687 A1 & EP 1720383 A1 & WO 2005/081589 A & CN 1922934 A

Document 5: JP 2007-242421 A (Matsushita Electric Works, Ltd.), 20 September 2007, fig. 1

The invention as in claims 1-8 is not described in any of the abovementioned documents cited in the ISR and would not be obvious to a person skilled in the art.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/936,480	10/05/2010	Tooru Nagase	0670-7173	3451

31780 7590 05/25/2011
Robinson Intellectual Property Law Office, P.C.
3975 Fair Ridge Drive
Suite 20 North
Fairfax, VA 22033

EXAMINER

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
05/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Robinson Intellectual Property Law Office, P.C.
3975 Fair Ridge Drive
Suite 20 North
Fairfax VA 22033

In re Application of	
NAGASE et al.	**: DECISION ON REQUEST TO**
Application No.: 12/936,480	**: PARTICIPATE IN THE PATENT**
Filed: 05 October 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 0670-7173	**: PROGRAM AND PETITION**
For: HIGH PRESSURE DISCHARGE	**: TO MAKE SPECIAL UNDER**
LAMP BALLAST AND LIGHT	**: 37 CFR 1.102(a)**
SOURCE APPARATUS	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 01 April 2011 and renewed on 23 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/936,488	Filing date:	12/20/2010
First Named Inventor:	Michael J. Pelland		
Title of the Invention:	WIRELESS EARPHONE THAT TRANSITIONS BETWEEN WIRELESS NETWORKS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US09/39754

The international date of the corresponding PCT application(s) is/are: April 7, 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).**

- [ ] 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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

(continued)

Application No.:	12/936,488
First Named Inventor:	Michael J. Pelland

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on October 5, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on October 5, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
48 - 80	1-33	Claims Correspond on a direct 1-to-1 basis

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Mark G. Knedeisen/	Date 02/15/2011
Name (Print/Typed) Mark Knedeisen	Registration Number 42,747

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.
12/936,488	12/20/2010	Michael J. Pelland	080188PCTUS	3553

26285 7590 04/07/2011
K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH, PA 15222-2613

EXAMINER

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
04/07/2011	PAPER

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The time period for reply, if any, is set in the attached communication.

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K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH PA 15222-2613

In re Application of	:	
PELLAND, MICHAEL J. et al.	:	DECISION ON REQUEST TO
Application No. 12/936,488	:	PARTICIPATE IN PATENT
Filed: December 20, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **3553**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed February 15, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Daniel Swerdlow at 571-272-7531.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/ Daniel Swerdlow /

Daniel Swerdlow
Quality Assurance Specialist
Technology Center 2600
Communications

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:	12/936,501	Filing date:	October 5, 2010
First Named Inventor:	Jesper Roland Jørgensen		
Title of the Invention:	THERAPEUTIC USE OF A GROWTH FACTOR, METRNL		

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/DK2009/050165

The international date of the corresponding PCT application(s) is/are: July 7, 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).**

[ ] 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 EPO AND THE USPTO

(continued)

Application No.:	12/936,501
First Named Inventor:	Jesper Roland Jørgensen

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

[X] Is attached

[ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

[X] Are attached.

[ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
104	60 + 74	The claims are reformatted to conform with U.S.P.T.O. practice
105	11	The claims are reformatted to conform with U.S.P.T.O. practice
106	62 + 75	The claims are reformatted to conform with U.S.P.T.O. practice
107	63 + 76	The claims are reformatted to conform with U.S.P.T.O. practice
108	64 + 77	The claims are reformatted to conform with U.S.P.T.O. practice
109	65 + 78	The claims are reformatted to conform with U.S.P.T.O. practice
110	66 + 79	The claims are reformatted to conform with U.S.P.T.O. practice
111	67 + 80	The claims are reformatted to conform with U.S.P.T.O. practice
112	68 + 81	The claims are reformatted to conform with U.S.P.T.O. practice
113	69 + 82	The claims are reformatted to conform with U.S.P.T.O. practice
114	70 + 83	The claims are reformatted to conform with U.S.P.T.O. practice
115	71 + 84	The claims are reformatted to conform with U.S.P.T.O. practice
116	72 + 85	The claims are reformatted to conform with U.S.P.T.O. practice
117	73 + 86	The claims are reformatted to conform with U.S.P.T.O. practice
118	87	The claims are reformatted to conform with U.S.P.T.O. practice
119	74 + 88	The claims are reformatted to conform with U.S.P.T.O. practice
120	74 + 88	The claims are reformatted to conform with U.S.P.T.O. practice
121	74 + 89	The claims are reformatted to conform with U.S.P.T.O. practice
SEE CONTINUATION SHEET		

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date January 27, 2011
Name (Print/Typed) Kristina Bieker-Brady, Ph.D.	Registration Number 39,109

PTO/SB/20PCT-EP (05-10)
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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CONTINUATION SHEET

Application No.:	12/936,501
First Named Inventor:	Jesper Roland Jøgensen

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
122	74 + 90	The claims are reformatted to conform with U.S.P.T.O. practice
123	74 + 91	The claims are reformatted to conform with U.S.P.T.O. practice
124	74 +92	The claims are reformatted to conform with U.S.P.T.O. practice

III. All the claims in the US application sufficiently correspond to the patentable claims in 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.

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.
12/936,501	01/27/2011	Jesper Roland J¿rgensen	50721/005002	3843

21559 7590 09/20/2011
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER
CHERNYSHEV, OLGA N

ART UNIT	PAPER NUMBER
1649	

NOTIFICATION DATE	DELIVERY MODE
09/20/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentadministrator@clarkelbing.com

UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 2 0 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

In re Application of	:	DECISION ON REQUEST TO
Jørgensen et al.	:	PARTICIPATE IN PATENT
Application No. 12/936,501	:	PROSECUTION HIGHWAY
Filed: January 27, 2011	:	PROGRAM AND PETITION
Attorney Docket No. 50721/005002	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed January 27, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH program and petition to make special require:

(1) The U.S. application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national stage application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application;
(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application;
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language;
(6) Applicant must submit the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product

of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an IDS listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH program and petition 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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO CA 94303

MAILED
DEC 03 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
BELLERS et al	:	
Application No.: 12/936,511	:	
PCT No.: PCT/IB2009/050932	:	
Int. Filing Date: 06 March 2009	:	PETITION UNDER
Priority Date: 06 March 2008	:	
Attorney's Docket No.: 348162-985070	:	
For: Temporal Fallback... Rate Conversion	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 05 October 2010. The petition fee has been charged to the Deposit Account No.: 07-1895.

BACKGROUND

On 06 March 2009, this international application was filed, which claimed a priority date of 06 March 2008.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 06 September 2010. This international application became abandoned with respect to the United States at midnight on 06 September 2010 for failure to pay the required basic national fee.

On 05 October 2010, applicants filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, the instant petition under 37 CFR 1.137(b), and the petition fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by having submitted the basic national filing fee, (2) the petition fee set forth in §1.17(m), and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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:	12/936,520	Filing date:	October 6, 2010
First Named Inventor:	Peter Fixell		
Title of the Invention:	A method and a system for determining the relation between a robot coordinate system and a local coord		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2008/055304

The international date of the corresponding PCT application(s) is/are: April 30, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/936,520
First Named Inventor:	Peter Fixell

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 6, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 6, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1+2	Combination of claims 1 and 2
2		Cancelled
3	3	Corrected informalities
4	4	Corrected informalities
5	5	Corrected informalities
6	6	Corrected informalities
7	7+8	Combination of claims 7 and 8
8		Cancelled
9	9	Corrected informalities
10	10	Corrected informalities
11	11	Corrected informalities
12	12	Corrected informalities
13	13	Corrected informalities
14	14	Corrected informalities
15	15	Corrected informalities

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Joshua P. Wert Reg. No. 65880/	Date 2010-11-19
Name (Print/Typed) Joshua P. Wert	Registration Number 65880

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.
12/936,520	10/06/2010	Peter Fixell	ABB 64 US	4384

95002 7590 01/10/2011
Seppo Laine Oy
Joshua P. Wert
Itamerenkatu 3B
Helsinki, FI00180
FINLAND

EXAMINER

ART UNIT	PAPER NUMBER
3664	

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

JAN 10 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Seppo Laine Oy
Joshua P. Wert
Itamerenkatu 3B
Helsinki FI001-80 FI FINLAND

In re application of Peter Fixell Application No. 12/936,520 Filed: October 06, 2010 For: A METHOD AND SYSTEM FOR DETERMING THE RELATION BETWEEN A ROBOT COODINATE SYSTEM AND A LOCAL COORDINATE SYSTEM LOCATED IN THE WORKING RANGE OF THE ROBOT	**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 November 19, 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, and the pre-amendment filed on November 19, 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.

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: 01/07/11

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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.
12/936,525	10/06/2010	Satoru Koshio	SUT-0501	4423

74384 7590 07/08/2011
Cheng Law Group, PLLC
1100 17th Street, N.W.
Suite 503
Washington, DC 20036

EXAMINER
BRYANT, DAVID P

ART UNIT	PAPER NUMBER
3726	

MAIL DATE	DELIVERY MODE
07/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Cheng Law Group, PLLC
1100 17th Street, N.W.
Suite 503
Washington DC 20036

In re Application of: KOSHIO, SATORU Serial No.: 12/936525 Filed: October 6, 2010 Attorney Docket No. : SUT-0501 Title: OPTICAL MEMBER JOINING METHOD AND APPARATUS USING THE SAME	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 June 18, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more 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

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:	12/936,552	Filing date:	19 May 2009
First Named Inventor:	Hunt, Bryan V		
Title of the Invention:	Optical Films Comprising Phenyl Ethylene (Meth)acrylate Monomers		

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/US2009/044461

The international date of the corresponding PCT application(s) is/are: 19 May 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).**

- [ ] 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.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [x] Is attached
- [ ] Has already been filed in the above-identified U.S. application on Herewith

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [x] Are attached.
- [ ] Have already been filed in the above-identified U.S. application on Herewith

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/936,552
First Named Inventor:	Hunt, Bryan V

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
independent claim 1	dependent claim 2	Independent claim 1 as amended includes dependent claim 2.
dependent claims 3-25	dependent claim 3-25	In view of the patentability of claim 1, all dependent claims are patentable.
	claims 26-31	Claims 26-31 have been cancelled.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Carolyn A. Fischer/	Date October 6, 2010
Name (Print/Typed) Carolyn A. Fischer	Registration Number 39,091

CAF

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

OUS DOCKET

OFFICE OF INTELLECTUAL
PROPERTY COUNSEL
3M INNOVATIVE PROPERTIES COMPANY

PCT OCT 16 2009

To:

see form PCT/ISA/220

REFERRED TO

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/044461	19.05.2009	03.06.2008

International Patent Classification (IPC) or both national classification and IPC
INV. C08F20/00 C08L33/06

Applicant
3M INNOVATIVE PROPERTIES COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

CMW
10/19/09

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Rouault, Yannick Telephone No. +49 89 2399-8524

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/044461

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. 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. 1(partially), 2, 3(partially), 4(partially), 5(partially), 11-16, 17(partially), 18-31

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. are so unclear that no meaningful opinion could be formed *(specify)*:

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed *(specify)*:

☒ no international search report has been established for the whole application or for said claims Nos. 1(partially), 2, 3(partially), 4(partially), 5(partially), 11-16, 17(partially), 18-31

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

- ☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International 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 Instructions, 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 Rules 13*ter*.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

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has, within the applicable time limit:

   ☐ paid additional fees

   ☐ paid additional fees under protest and, where applicable, the protest fee

   ☐ paid additional fees under protest but the applicable protest fee was not paid

   ☒ not paid additional fees

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

   ☐ complied with

   ☒ not complied with for the following reasons:

   see separate sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

   ☐ all parts.

   ☒ the parts relating to claims Nos. 1(partially), 3(partially), 4(partially), 5(partially), 6-10, 17(partially)

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	2
	No:	Claims	1, 3-10, 17
Inventive step (IS)	Yes:	Claims	2
	No:	Claims	1, 3-10, 17
Industrial applicability (IA)	Yes:	Claims	1-31
	No:	Claims	

2. Citations and explanations

   see separate sheet

claims: 6-10(completely); 1, 3-5, 17(partially)

A film comprising a (meth) acrylate monomer comprising a phenyl ethylene group as in claim 6.

claims: 2(completely); 3-5, 9, 17-27, 29-31(partially)

A film with a microstructured surface comprising a (meth) acrylate monomer comprising a phenyl ethylene group as in claim 6.

claims: 11-16(completely); 17-26, 28-31(partially)

A film comprising a (meth) acrylate monomer comprising a phenyl ethylene group as in claim 11.

claims: 18-27, 29-31(partially)

A film comprising a (meth) acrylate monomer comprising a phenyl ethylene group as in claim 6 and at least one monomer having at least two aromatic groups and at least two (meth)acrylate groups.

The purpose of the present application is to obtain optical films with a better ET gains, both for single and crossed sheets.

US6191184 discloses (examples 1,2) a layer (film) of an adhesive comprising a (meth) acrylate monomer comprising a phenyl ethylene group as in claim 6.

In EP0333186 (examples 1,3) a film for lithographic plate comprising a (meth) acrylate monomer comprising a phenyl ethylene group as in claim 6 is disclosed.

See also in the field of lithography EP0695971 p. 13 and DE3812636 (examples 1,2).

Those disclosures are novelty destroying for claim 1.

However, as soon as the film has a microstructured surface, the above cited documents are no more novelty destroying, since this technical feature is absent and not even suggested for the use of the resin comprising a (meth) acrylate monomer comprising a phenyl ethylene group as in claim 6 (see in particular p.7 l. 37,38 of DE3812636 compared to the description of the present application p.2 l. 8-11, p. 25,26 bridging paragraph).

Moreover, the cited documents are not novelty destroying when :

- the (meth) acrylate monomer comprising a phenyl ethylene group is as in claim 11

- the resin comprises at least one monomer having at least two aromatic groups and at least two (meth)acrylate groups

As those two features are two independent technical features, different from the "microstructured surface" technical feature, they define two additional different groups of inventions.

The application relates to a plurality of inventions, or groups of inventions, in the sense of Rule 13.1 PCT. They have been divided as defined above. If the applicant pays additional fees for one (or more) not yet searched group(s) of invention(s), then the further search(es) may reveal further prior art that gives evidence of a further lack of unity 'a posteriori' within one (or more) of the not yet searched group(s). In such a case only the first invention in this (each of these) group(s) of inventions, which is considered to lack unity of invention, will be the subject of a search. No further invitation to pay further additional fees will be issued. This is because Article 17(3)(a) PCT stipulates that the ISA shall establish the International Search Report on those parts of the international application which relate to the invention first mentioned in the claims ('main invention') and for those parts which relate to inventions in respect of which the additional fees were paid. Neither the PCT nor the PCT guidelines provide a legal basis for further invitations to pay further additional search fees (W17/00, point 11 and W1/97, points 11-16). In such a case the non-searched claims may be the subject of one or more divisional applications (see W18/07, point 26).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/936,552	10/06/2010	Bryan V. Hunt	64181US005	4577

32692 7590 03/22/2011
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER
BERNSHTEYN, MICHAEL

ART UNIT	PAPER NUMBER
1762	

NOTIFICATION DATE	DELIVERY MODE
03/22/2011	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):

LegalUSDocketing@mmm.com
LegalDocketing@mmm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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EL

March 21, 2011

In re application of Hunt et al. Serial No. 12/936,552 Filed: October 06, 2010 For: **OPTICAL FILMS COMPRISING PHENYL ETHYLENE (METH)ACRYLATE MONOMERS**	: : : : : :	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 October 06, 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

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NOV 15 2010

PCT LEGAL ADMINISTRATION

Fay Sharpe, LLP
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, OH 44115

In re Application of
MISZEWSKI
Application No.: 12/936,597
PCT No.: PCT/GB2009/050320
Int. Filing Date: 01 April 2009
Priority Date: 01 April 2008
Atty. Docket No.: PABE 2000033US01
For: DIRECTIONAL WELL DRILLING

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 06 October 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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WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Pamela Reilly Contag et al	:	
Application No. 12/936,611	:	DECISION ON PETITION
Filed: December 22, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 32897-708.831	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 26, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from a registered practitioner that he has evidence that inventor John Chen 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 1652 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 12 2011
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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of Arnaud Castex, et al. Application No. 12/936,639 Filed: November 15, 2010 Attorney Docket No. **10190US (F08/0613ACS ALD)**	DECISION GRANTING PETITION UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 9, 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 7, 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 Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2823 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS MO 63101

MAILED
JUN 29 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
KOLB et al	:	
Application No.: 12/936,651	:	
PCT No.: PCT/EP2009/054091	:	
Int. Filing Date: 06 April 2009	:	DECISION
Priority Date: 07 April 2008	:	
Attorney Docket No.: 51585-92198	:	
For: USE OF XANTHONE... FOR CANCER	:	

This decision is in response to applicants' "Petition To Correct Applicant's Name Under 37 CFR 1.182," filed on 02 May 2011 indicating that the executed declaration filed on December 13, 2010 contains the correct spelling of the third inventors' name Christian **BILLARD**. The petition fee under 37 CFR 1.182 of $400.00 has been charged to petitioner's Deposit Account No.: 20-0823.

BACKGROUND

On 06 October 2010, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because no executed oath or declaration was filed at that time.

On 27 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" was required. The notification indicated that a new oath or declaration must be submitted within two (2) months from the date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 13 December 2010, applicants submitted an executed Declaration, with the third named of the inventor listed as Christian **BILLARD**.

On 04 April 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916).

On 02 May 2011, applicants responded with the current petition under 37 CFR 1.182 stating the correct name and spelling of the third inventor's name is Christian **BILLARD** and not as stated on the international publication Christian BILLIALD.

DISCUSSION

The correct name of the third co-inventor is as filed in the executed declaration on December 13, 2010 as Christian **BILLARD**, and not as published in the international application. Accordingly, the correct name now appears in the declaration as filed on December 13, 2010 to the USPTO.

For the reasons above, the application may enter into national stage processing at this time.

DECISION

For the reasons above, the petition under 37 CFR 1.182 is **GRANTED** and the correct name for the third co-inventor is Christian **BILLARD**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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MAY 03 2011

PCT LEGAL ADMINISTRATION

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of JIANG et al.	:	
Application No.: 12/936,653		: DECISION ON PETITION
PCT No.: PCT/JP08/56862	:	
Int. Filing Date: 07 April 2008	: UNDER 37 CFR 1.47(a)	
Priority Date: None	:	
Attorney Docket No.: 029267.62879US	:	
For: MAP DISPLAY	:	

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 02 February 2011, to accept the application without the signature of joint inventor XIAOXUE LIANG. Applicant's request for a two month extension of time is granted.

BACKGROUND

On 06 October 2010, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 22 October 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), was required.

On 02 February 2011, applicant filed the instant petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor XIAOXUE LIANG, alleging that

the inventor is unavailable.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

The petition fee has been paid, satisfying Item (1). A statement of applicant's last known address was provided satisfying Item (3). As for Item (4), a declaration (PTO/SB/106) executed by the joint inventor on his behalf and on behalf of the non-signing inventor was provided and in compliance with 37 CFR 1.497(a) and (b). Item (4) is satisfied.

Unavailability of Inventor

With respect to Item (2), Petitioner employs the declaration of Junzo Tohgo, employee of Clarion Co., Ltd., who describes his attempt to reach Mr. LIANG. Mr. Tohgo indicates that on 15 December 2010, he sent a copy of the declaration and assignment to Mr. LIANG at his last known address via certified mail without success. Mr. Tohgo indicates that the mailing was returned as undeliverable. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature is required to demonstrate that the nonsigning inventor has been apprised of the application at issue and refuses to sign the application papers. There is no evidence that a copy of the application papers was sent to the nonsigning inventor for his signature and he refused to sign them. [1]

---

[1] MPEP Section 409.03(d) II. Refusal to Join, states in pertinent part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. *Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature*, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

MPEP Section 409.03(d) states: 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.

Diligent efforts made to locate the nonsigning inventor were not pursued and documented such as internet searches, contact with the joint inventor to obtain the nonsigning inventor's current address, a forwarding address or current email address and/or current employer. No attempt to reach him by telephone was made. No request from the Postal Service for his forwarding address was made. 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. Petitioner's statement of facts under 37 CFR 1.47(a) does not indicate that any search for the nonsigning inventor's new address was made.

The action taken by petitioner is insufficient to prove that "a diligent effort" was made to contact the nonsigning inventor. Under these circumstances, it cannot be concluded that the nonsigning inventor is unavailable to sign the application. Petitioner has not satisfied Item (2) by demonstrating in a first hand statement of the " diligent efforts" that were made to locate the nonsigning inventor.

In sum, Petitioner has satisfied Item (1), (3) and (4). As set forth above, Petitioner has not satisfied Item (2). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. *If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted.* Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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AUG 17 2011

PCT LEGAL ADMINISTRATION

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of JIANG et al.	:
Application No.: 12/936,653	: DECISION ON PETITION
PCT No.: PCT/JP08/56862	:
Int. Filing Date: 07 April 2008	: UNDER 37 CFR 1.47(a)
Priority Date: None	:
Attorney Docket No.: 029267.62879US	:
For: MAP DISPLAY	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 17 June 2011. Petitioner now files a declaration executed by joint inventor XIAOXUE LIANG.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 03 May 2011 and is hereby incorporated by reference.

DISCUSSION

Petitioner has now presented the declaration signed by inventor XIAOXUE LIANG. A review of the declaration reveals that the declaration identifies all the inventors named in the international application and is executed by the previously non-signing inventor. The declaration also states the residency, citizenship and mailing address of each inventor. The declaration executed by inventor LIANG is acceptable under 37 CFR 1.497(a) and (b).

The petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

The declaration, executed by the previously non-signing inventor, submitted 17 June 2011, is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 17 June 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Tel: 571-272-3286
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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MAILED

JUN 21 2011

PCT LEGAL ADMINISTRATION

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Application of	:	
BRAUN, et al.	:	DECISION ON PETITION
Serial No.: 12/936,666	:	
PCT No.: PCT/US2009/039967	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 08 April 2009	:	
Priority Date: 08 April 2008	:	
Atty Docket No.: REVMD-015US	:	
For: OCCLUSION DEVICE AND METHOD OF USE	:	

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 25 April 2011 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of inventor John S. Geis.

BACKGROUND

On 08 April 2009, applicant filed international application PCT/US2009/039967 which claimed priority to a previous application filed 08 April 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 08 October 2010.

On 06 October 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) an Application Data Sheet.

On 25 October 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an 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 25 April 2011, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a four-month extension of time. Applicant's response is timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Applicant has satisfied items 1, 3 and 4.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

In the present case it appears that the inventor was merely presented with a declaration and for execution. In addition, applicant has not included firsthand information as to the preparation and transmittal of the papers to the inventor. For a renewed petition to be granted applicant would need to provide a firsthand statement showing that a complete set of application papers were mailed to the inventor and to date he has not responded.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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OCT 13 2011

PCT LEGAL ADMINISTRATION

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Application of	:	
BRAUN, et al.	:	
U.S. Application No.: 12/936,666	:	DECISION ON PETITION
PCT No.: PCT/US2009/039967	:	
Int. Filing Date: 08 April 2009	:	UNDER 37 CFR 1.47(a)
Priority Date: 08 April 2008	:	
Attorney Docket No.: REVMD-015US	:	
For: OCCLUSION DEVICE AND METHOD OF USE	:	

This decision is in response to applicant's renewed petition filed 22 August 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 21 June 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47.

On 22 August 2011, applicant filed the presently discussed paper which is being treated as a renewed petition under 37 CFR 1.47(a). 21 August 2011 being a Sunday, applicant's response is timely filed.

DISCUSSION

As detailed in the decision mailed 21 June 2011, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

As detailed in applicant's response of 22 August 2011, applicant has located the previously non-signing inventor and currently provided a declaration signed by Mr. Geis. As applicant has now provided signed declarations by all of the inventors listed on the published international application, the renewed petition under 37 CFR 1.47(a) is dismissed as moot.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED as moot**.

The application has an international filing date of 08 April 2009 under 35 U.S.C. 363, and will be given a date of **22 August 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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	12936678
Filing Date	06-Oct-2010
First Named Inventor	Jenny Buettner
Art Unit	3765
Examiner Name	GARY WELCH
Attorney Docket Number	BUETT.001P1PC
Title	STRAPLESS UNDERGARMENT

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 20995

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Jenny Buettner
Address	5142 Bolsa Avenue, Suite 103
City	Huntington Beach
State	CA
Postal Code	92649
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Che S. Chereskin/
Name	Che Chereskin
Registration Number	41466

UNITED STATES 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 25, 2012

In re Application of :

Jenny Buettner

Application No : 12936678

Filed : 06-Oct-2010

Attorney Docket No : BUETT.001P1PC

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 25, 2012

The request is **APPROVED.**

The request was signed by Che Chereskin (registration no. 41466) on behalf of all attorneys/agents associated with Customer Number 20995 . All attorneys/agents associated with Cusotmer Number 20995 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Jenny Buettner
Name2	
Address 1	5142 Bolsa Avenue, Suite 103
Address 2	
City	Huntington Beach
State	CA
Postal Code	92649
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAR 28 2011

PCT LEGAL ADMINISTRATION

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of	:	
HOPPE-SEYLER et al	:	
Application No.: 12/936,679	:	
PCT No.: PCT/EP2009/054143	:	
Int. Filing Date: 07 April 2009	:	DECISION
Priority Date: 08 April 2008	:	
Attorney Docket No.: 097147-0110	:	
For: PEPTIDES FOR INHIBITING THE HPV-E6 ONCOPROTEIN	:	

The decision is in response to applicants' petition under 37 CFR 1.182 filed in the USPTO on 07 March 2011.

BACKGROUND

On 07 April 2009, applicants filed international application PCT/EP2009/054143 which designated the United States and claimed a priority date of 08 April 2008. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 October 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 October 2010.

On 06 October 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 05 November 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 05 January 2011, applicants filed a submission including a declaration of inventors.

On 09 February 2011, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed

08 July 2010 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in the last name of the third inventor between the published international application and the declaration of inventors.

On 07 March 2011, applicants filed the instant petition under 37 CFR 1.182.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

As to item (1), the petition fee is $400 rather than $130. The difference has been charged to Deposit Account 19-0741.

With regard to item (2), the statement of Susanne KINTSCHER is a statement setting forth both names (Susanne DYMALLA and Susanne KINTSCHER) and the procedure (marriage) whereby the change of name was effected. The statement is accepted.

Declaration of Inventors

The declaration of inventors filed 05 January 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

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DEC 01 2011

OFFICE OF PETITIONS

In re Application of Andersch et al. :
Application No. 12/936,700 :
Int'l Filing Date: April 7, 2009 :
Atty. Docket No. 2400.3470000/RWE/PDL :
Pub. No. US 2011/0110906 A1 :
Pub. Date: May 12, 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 June 21, 2011.

The request is **dismissed**.

Applicants request the application be republished because of the mistakes in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The mistakes identified in the instant request are not material Office as required under 37 C.F.R. § 1.221(b). Specifically, the mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application

[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).

publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. *See* MPEP § 1130(B). Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

Woodcock Washburn LLP
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia PA 19104-2891

MAILED
NOV 15 2011
PCT LEGAL ADMINISTRATION

In re Application of
ENG et al.
U.S. Application No.: 12/936,716
PCT No.: PCT/SG2009/000133
International Filing Date: 09 April 2009
Priority Date: 08 April 2008
Attorney's Docket No.: ECSF-0008
For: SYSTEM AND METHOD FOR MONITORING WATER QUALITY

DECISION ON PETITION UNDER 37 CFR 1.181

This decision is issued in response to the "Petition under 37 CFR 1.182 to Correct Inventor's Name" filed 18 October 2011 treated herein as a petition under 37 CFR 1.181. Applicants are notifying the Office that the name of the third inventor is Suryanti Yunita ANGGRELLY as indicated on the declaration rather than Suryanti Yunita AGGRELLY as indicated on the published international application. The petition fee submitted with the present petition will be refunded to applicant's Deposit Account.

Section 605.04(b) of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. The present petition confirms that the correct name of the third inventor is Suryanti Yunita ANGGRELLY, as listed on the declaration filed herein on 27 May 2011. Applicants state that the spelling error contained in the published international application resulted from a typographical error. Accordingly, applicants' explanation of the difference in the spelling of the third inventor's name is accepted as Suryanti Yunita ANGGRELLY and noted for the record. The declaration/power of attorney filed 27 May 2011 complies with 37 CFR 1.497(a)-(b).

For the reasons above, the request under 37 CFR 1.181 is **GRANTED**. This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Leydig, Voit & Mayer, Ltd. (Frankfurt office)
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago IL 60601-6731

MAILED
FEB 23 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
MICHAELS, et al.	:	
U.S. Application No.: 12/936,717	:	DECISION ON PETITION
PCT No.: PCT/DE2009/000489	:	
Int. Filing Date: 08 April 2009	:	UNDER 37 CFR 1.182
Priority Date: 23 April 2008	:	
Attorney's Docket No.: 812336	:	
For: WIRELESS DATA TRANSMISSION BY WAY	:	
OF TERATHERTZ WAVES	:	

This decision is in response to applicant's response filed 08 February 2011 in the United States Patent and Trademark Office (USPTO). The response is being treated as a petition under 37 CFR 1.182. As authorized, the $400.00 petition fee will be charged to deposit account number 12-1216.

BACKGROUND

On 08 April 2009, applicant filed international application PCT/DE2009/000489, which claimed priority of an earlier application filed 23 April 2008. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 29 October 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 23 October 2010.

On 07 October 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 29 October 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 23 December 2010, applicant responded with an executed declaration of the inventors.

On 13 January 2011, applicant was mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) indicating that the last name of the inventor Neumann was different on the declaration than the name appearing on the published international application. Applicant was afforded one month to file a proper reply or the extendable time remaining from the mail date of the Form PCT/DO/EO/905.

On 08 February 2011, applicant filed the present petition.

DISCUSSION

The Manual of Patent Examination Procedure (MPEP) at 605.04(c) details the procedures for proceeding where an inventor's name differs between the published international application and the filed declaration. It states that in cases other than a typographical or transliteration error, where there is a discrepancy in the inventor's name between the published international application and the U.S. National stage declaration as filed and the inventor desires to change his or her name on the application to that appearing on the filed declaration, he or she must submit a petition under 37 CFR 1.182.

The present petition is accompanied by an affidavit setting forth the procedure whereby the change of name of inventor Kern was effected; namely by marriage. The declaration is executed by Mr. Kern using his current married name and detailing both names. As such, it is proper to grant applicant's petition at this time. Further, the granting of the petition perfects the declaration filed 23 December 2010 and thus applicant has satisfied all of the 35 U.S.C. 371 requirements.

CONCLUSION

For the reasons detailed above, the petition under 37 CFR 1.182 is **GRANTED**.

The application has an international filing date of 08 April 2009 under 35 U.S.C. 363 and will be given a date of **23 December 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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 Co 10805	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/EP2009/057137	International filing date *(day/month/year)* 10 June 2009 (10.06.2009)	Priority date *(day/month/year)* 20 June 2008 (20.06.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant WACKER CHEMIE AG		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 18 January 2011 (18.01.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Yolaine Cussac e-mail: pt05.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	see form PCT/ISA/210
Applicant's or agent's file reference Co 10805	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP2009/057137	10.06.2009	20.06.2008

International Patent Classification (IPC) or both national classification and IPC
C08F283/12, C08F290/14, C08F292/00, C09D151/08, C09D151/10

Applicant
WACKER CHEMIE AG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I — Basis of the opinion
- ☐ Box No. II — Priority
- ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV — Lack of unity of invention
- ☒ Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI — Certain documents cited
- ☐ Box No. VII — Certain defects in the international application
- ☒ Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/057137

Box No. I **Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material

      ☐ on paper

      ☐ in electronic form

   c. time of filing/furnishing

      ☐ contained in the international application as filed

      ☐ filed together with the international application in electronic form

      ☐ furnished subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/057137

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	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations:

1 Reference is made to the following documents:

D1: DE 10 2005 000824 A1 (CONSORTIUM ELEKTROCHEM IND [DE]) 13 July 2006 (2006-07-13)

D2: DE 103 01 976 A1 (WACKER POLYMER SYSTEMS GMBH [DE]) 29 July 2004 (2004-07-29)

D3: US 5 188 899 A (MATSUMOTO MAKOTO [JP] ET AL) 23 February 1993 (1993-02-23)

D4: DE 10 2006 054158 A1 (WACKER CHEMIE AG [DE]) 21 May 2008 (2008-05-21)

2 Document D1 is considered to be the closest prior art and discloses copolymers obtainable via polymerization of A) ethylenically unsaturated monomers (e.g. MMA) in the presence of nanoparticles P (silicone resins or metal oxides functionalized with alpha-organosilanes). Copolymerization of linear polydiorganosiloxanes C) of the formula III as per claim 1 is not mentioned. Use for coatings or for incorporation into elastomer compositions (D1; claims 1-9; page 9, Example 19).

2.1 The subject matter of claim 1 is therefore novel

(PCT Article 33(2)). The problem addressed by the present invention is to provide improved water absorption and water-vapour permeability, and also transparency.

2.2 None of the other citations in the international search report renders the nanoparticulate silicone organocopolymers as per claim 1 obvious, where these are obtainable through polymerization of
A) ethylenically unsaturated monomers and
C) a linear polydiorganosiloxane of the formula III in the presence of
B) particles ((semi)metal oxides or branched silicone resins), where components C) and B) have been functionalized with an alpha-organosilane of the formula I containing an ethylenically unsaturated group.

D2 discloses the copolymerization of a linear polydimethylsiloxane which has been functionalized with vinyl terminal groups and of vinyl acetate, in the presence of a branched polysiloxane which has been functionalized with a monoallyl-terminated polyether. However, hydrophobic polymers are obtained, and these are contradictory to the polymers desired according to the invention.

D3 discloses particles having a silicon dioxide core and having a first silicone shell and a second shell made of polymerized vinyl monomers.

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**

D4 discloses organosilicone copolymers obtainable through copolymerization of ethylenically unsaturated monomers (e.g. MMA) and with alpha-methacryloxymethylsilane-functionalized polydimethylsiloxane. Nanometal oxide particles are incorporated.

The nanoparticulate silicone organocopolymers as per claims 1-7, the production thereof (claim 8), the coating material, composite thermal insulation systems and additives containing the silicone organocopolymers (claims 9-13) therefore involve an inventive step (PCT Article 33(3)) and are industrially applicable (PCT Article 33(4)).

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:

Claim 1 requires that components B1, B2 and C are respectively modified with an alpha-organosilane of the formula (I), where X in formula (I) is a moiety having from 2 to 20 carbon atoms with an ethylenically unsaturated group. In the examples, the alpha-organisilane is a *methacrylatomethylmethyldimethoxysilane*, where the silicon atom does *not* have direct bonding by way of a methylene bridge to the unsaturated hydrocarbon moiety (see page 9). The compound used in the examples is therefore not covered by formula (I) as per claim 1 (PCT Article 6).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: Unknown

Oliver Minge

Examiner: Unknown

Serial No.: 12/936,751

Filed: October 7, 2010

For: Nanoparticle Silicone Organo Copolymers and Use Thereof In Coating Compositions

Attorney Docket No.: WAS 1095 PUSA

COMMUNICATION

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In Box VIII of the Written Opinion, the ISA indicated that methacrylatomethylmethyldimethoxysilane, used in the Examples, is not covered by formula (I) of claim 1 of the PCT application (claim 14 of the U.S. National Phase application). This, however, is incorrect, as indicated on page 10 of the English translation, which indicates that "it also being possible. . . [that] there is a C=C double bond positioned α to the Si atom." In the following paragraph, X of the formula $(R^1O)_{3-k}$ $(R^2)_k$Si-X (I) is more broadly defined, preferred examples containing 2 to 10 carbon atoms, with maximum preference being given to acryloyl and methacryloyl radicals (page 11, lines 4-5). Thus, the ISA was wrong in this case.

Respectfully submitted,

Oliver Minge

By: /William G. Conger/
William G. Conger, Reg. No. 31,209
Attorney/Agent for Applicant

Date: March 9, 2011

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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:	12/936,751	Filing date:	October 7, 2010
First Named Inventor:	OLIVER MINGE		
Title of the Invention:	NANOPARTICULATE SILICONE ORGANO COPOLYMERS AND USE THEREOF IN COATING COMPOSITIONS		

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/EP2009/057137

The international filing date of the corresponding PCT application(s) is/are: June 10, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/936,751
First Named Inventor:	OLIVER MINGE

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on January 6, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on January 6, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
14	1	Rewritten in U.S. claim format
15	2	Rewritten in U.S. claim format
16	3	Rewritten in U.S. claim format and to eliminate multiple dependency
17	3	Rewritten in U.S. claim format and to eliminate multiple dependency
18	4	Rewritten in U.S. claim format and to eliminate multiple dependency
19	5	Rewritten in U.S. claim format and to eliminate multiple dependency
20	6	Rewritten in U.S. claim format and to eliminate multiple dependency
21	7	Rewritten in U.S. claim format and to eliminate multiple dependency
22	8	Rewritten in U.S. claim format and to eliminate multiple dependency
23	9	Rewritten in U.S. claim format and to eliminate multiple dependency
24	10	Rewritten in U.S. claim format and to eliminate multiple dependency
25	11	Rewritten in Jepson format
26	12	Rewritten in Jepson format
27	13	Use claim modified to product claim

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /William G. Conger/	Date March 9, 2011
Name (Print/Typed) William G. Conger	Registration Number 31209

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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.
12/936,751	10/07/2010	Oliver Minge	WAS1095PUSA	6612

22045 7590 04/18/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
MOORE, MARGARET G

ART UNIT	PAPER NUMBER
1765	

MAIL DATE	DELIVERY MODE
04/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EL

April 18, 2011

In re application of Minge, et al. Serial No. 12/936,751 Filed: October 07, 2010 For: **NANOPARTICULATE SILICONE ORGANO COPOLYMERS AND USE THEREOF IN COATING COMPOSITIONS**	: : : : : : :	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 March 09, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

It is noted that Box no. VIII of the Written Opinion is checked for certain observations on the international application. Upon review of the observations, the claims and specification, it is found that the noted observations do not affect search and examination of the claims at USPTO. 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
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CHICAGO IL 60690-2786

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
SCHULER, ELEANOR L. et al. :
Application No. 12/936,778 : DECISION ON PETITION
Filed: October 07, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. **46586-113592** : 37 CFR 1.102(c)(1)
:

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 Eleanor Schuler, attesting to her 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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CHICAGO IL 60690-2786

MAILED
DEC 21 2010
OFFICE OF PETITIONS

In re Application of
SCHULER, ELEANOR L. et al.
Application No. 12/936,791
Filed: October 07, 2010
Attorney Docket No. **46586-113600**

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 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 Eleanor Schuler, attesting to her 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
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ALEXANDRIA, VA 22313-1450
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CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

MAILED
NOV 22 2010
PCT LEGAL ADMINISTRATION

In re Application of HOOPER et al :
U.S. Application No.: 12/936,798 :
PCT Application No.: PCT/EP2009/050951 :
Int. Filing Date: 28 January 2009 : DECISION
Priority Date Claimed: 07 March 2008 :
Attorney Docket No.: 17132-188US :
For: WRAPPER FOR SMOKING MATERIAL :
RODS :

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 07 October 2010.

BACKGROUND

On 28 January 2009, applicant filed international application PCT/EP2009/050951, which claimed priority of an earlier United Kingdom application filed 07 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 11 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 07 September 2010.

On 08 September 2010, international application PCT/EP2009/050951 became abandoned as to the United States for failure to timely pay the basic national fee.

On 07 October 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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NOV 02 2010

PCT LEGAL ADMINISTRATION

DR. REDDY'S LABORATORIES, INC.
200 SOMERSET CORPORATE BLVD
SEVENTH FLOOR
BRIDGEWATER NJ 08807-2862

In re Application of:
ALAGARSAMY, et al.
U.S. Application No.: 12/936,804
PCT No.: PCT/US2009/039273
International Filing Date: 01 April 2009
Priority Date: 02 April 2008
Attorney Docket No.: GEN 3.3-089
For: RALOXIFENE PHARMACEUTICAL FORMULATIONS

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 07 October 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2009/039273 became abandoned with respect to the United States at midnight on 02 October 2010 based on applicants' failure to request entry into the national stage in the United States and submit payment of the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee, as well as the "required reply" in the form of a request for entry into the national stage in the United States and payment of the basic national fee. The petition also includes a statement that "the entire delay in filing the required reply from the due date for the 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.

It is noted that applicants' 07 October 2010 submission included an executed declaration in compliance with 37 CFR 1.497. Deposit Account No. 50-3221 will be charged the $130 surcharge for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 07 October 2010.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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:	12/936,808	Filing date:	April 9, 2009
First Named Inventor:	Evans H. Nguyen		
Title of the Invention:	TEST AND MEASUREMENT DEVICE WITH A PISTOL-GRIP HANDLE		

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/US2009/040101

The international filing date of the corresponding PCT application(s) is/are: April 9, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/936,808
First Named Inventor:	Evans H. Nguyen

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 7, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 7, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Claims are identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /carlo m. cotrone/	Date May 20, 2011
Name (Print/Typed) Carlo M. Cotrone	Registration Number 48,715

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PCT Claims

1. A clamp meter configured to receive a removable and rechargeable battery pack, the clamp meter comprising:

a main body having a first axis;

a handle having a second axis and including a first recess configured to receive the battery pack, the first recess including at least first and second electrical terminals which are exposed when the battery pack is not inserted into the first recess,

wherein the second axis forms an oblique angle with the first axis, and

wherein the battery pack is inserted into the first recess along the second axis;

a clamp coupled to the main body and aligned with the first axis, the clamp operable to measure an electrical characteristic of a conductor based on an induced current;

a trigger operable to selectively open and close the clamp; and

a display configured to display an indication of the electrical characteristic.

2. The clamp meter of claim 1, further comprising a non-contact voltage detector.

3. The clamp meter of claim 2, further comprising a voltage sense indicator.

4. The clamp meter of claim 1, further comprising an LED flashlight.

5. The clamp meter of claim 4, wherein the LED flashlight is operable to illuminate a first area enclosed by the clamp.

6. The clamp meter of claim 1, further comprising a pair of electrical leads operable to receive a pair of electrical probes.

7. The clamp meter of claim 1, wherein the battery pack is a lithium-ion battery pack.

8. The clamp meter of claim 1, wherein the trigger is positioned below the main body.

9. A method of operating a clamp meter that includes a main body, a handle, a clamp, and a pair of electrical leads, the method comprising:

powering the clamp meter with a removable battery pack inserted into a recess of the handle, wherein the battery pack is inserted along a first axis;

sensing, using the clamp, a first electrical characteristic based on an induced current,

wherein the clamp is aligned along a second axis, and

wherein the first axis and the second axis form an oblique angle;

measuring, based on signals received through the pair of electrical leads, a second electrical characteristic, wherein the pair of electrical leads are operable to receive a pair of electrical probes; and

displaying, on a display, an indication of the first electrical characteristic and the second electrical characteristic.

10. The method of claim 9, wherein the battery pack is a lithium-ion battery pack.

11. The method of claim 9, further comprising illuminating an area enclosed by the clamp using a flashlight powered by the battery pack.

12. The method of claim 9, further comprising detecting a voltage using a non-contact voltage detector.

13. The method of claim 12, further comprising activating a voltage sense indicator when the voltage is detected.

14. A test and measurement device configured to receive a removable and rechargeable battery pack, the device comprising:

a main body having a first axis;

a handle having a second axis; and

a first recess and a second recess, the first recess including a mating interface for receiving, along the second axis, a first attachment operable to provide power to the test and measurement device, and the second recess configured to receive a second attachment operable to provide operational control for the test and measurement device;

wherein the handle is offset from the main body of the test and measurement device, and

wherein the handle is attached to a lower portion of the main body along the second axis such that the handle forms an oblique angle with respect to the first axis.

15. The test and measurement device of claim 14, wherein the test and measurement device is a clamp meter.

16. The test and measurement device of claim 14, wherein the first attachment is a lithium-ion battery pack.

17. The test and measurement device of claim 14, wherein the second attachment is a trigger.

18. The test and measurement device of claim 14, further comprising a display.

19. The test and measurement device of claim 14, further comprising an LED flashlight.

20. The test and measurement device of claim 14, further comprising at least first and second electrical terminals which are exposed when the first attachment is not inserted into the first recess.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
BUSH GAYLE A.

MICHAEL BEST & FRIEDRICH LLP 100 EAST
WISCONSIN AVENUE SUITE 3300 MILWAUKEE WI
53202-4108 USA

Michael, Best & Friedrich LLP
RECEIVED
AUG 05 2009
DOCKETING
MILWAUKEE, WI

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)* **31 JULY 2009 (31.07.2009)**

Applicant's or agent's file reference
066042-8022-WO

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/040101	**09 APRIL 2009 (09.04.2009)**	09 APRIL 2008 (09.04.2008)

International Patent Classification (IPC) or both national classification and IPC

G01R 15/12(2006.01)i, G01R 19/165(2006.01)i, G01R 13/00(2006.01)i

Applicant

MILWAUKEE ELECTRIC TOOL CORPORATION et al

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**
If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220. L 2/9/10

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	31 JULY 2009 (31.07.2009)	KIM, JU SIK Telephone No.82-42-481-8265

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/040101

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

   a. type of material
   ☐ a sequence listing
   ☐ table(s) related to the sequence listing

   b. format of material
   ☐ on paper
   ☐ in electronic form

   c. time of filing/furnishing
   ☐ contained in the international application as filed.
   ☐ filed together with the international application in electronic form.
   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additioanl copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/040101

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	1-20	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-20	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims	None	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: JP 2002-207057 A (RAILWAY TECHNICAL RES. INST. et al.) 26 JULY 2002.
D2: US 7163336 B2 (BLAKELEY, G. W. III) 16 JANUARY 2007.
D3: US 4989450 A1 (SHOBERG, R. et al.) 05 FEBRUARY 1991.

1. Novelty and Inventive Step

1.1 Claims 1-8

The subject matter of claim 1 differs from these prior art documents in that a clamp meter includes a main body having a first axis, a handle having a second axis and including a battery pack, a clamp coupled to the main body, a trigger, and a display. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-8 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

1.2 Claims 9-13

Claim 9 relates to a method of operating the subject matter according to claim 1. Claim 9 is considered to be novel and to involve an inventive step under PCT Article 33(2)-(3), because the subject matter of claim 1 is considered to be novel and to involve an inventive step.

Claims 10-13 depend on claim 9 and consequently they are also considered to be novel and to involve an inventive step under PCT Article 33(2)-(3).

(*Continued on Supplemental Box*)

Supplemental Box

In case **the space in any of the preceding boxes is not sufficient.**
Continuation of :

(*Box No.* V)

1.3 Claims 14-20

The subject matter of claim 14 differs from these prior art documents in that a test and measurement device configured to receive a removable and rechargeable battery pack includes a main body having a first axis, a handle having a second axis, and a first and a second recess, wherein the handle is offset from the main body and attached to a lower portion of the main body along the second axis. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 14 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 15-20 are dependent on claim 14 and therefore meet the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-20 are industrially applicable under PCT Article 33(4).

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.
12/936,808	04/01/2011	Evans H. Nguyen	066042-8022-02	6982

60840 7590 06/07/2011
MICHAEL, BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE
SUITE 3300
MILWAUKEE, WI 53202

EXAMINER
PHAN, HUY Q

ART UNIT	PAPER NUMBER
2858	

MAIL DATE	DELIVERY MODE
06/07/2011	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
www.uspto.gov

MICHAEL, BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE
SUITE 3300
MILWAUKEE WI 53202

In re Application of	**: DECISION ON REQUEST TO**
NGUYEN et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/936,808	**: PROSECUTION HIGHWAY**
Filed: 01 April 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: 066042-8022-02	**: TO MAKE SPECIAL UNDER**
For: TEST AND MEASUREMENT	**: 37 CFR 1.102(a)**
DEVICE WITH A PISTOL-GRIP	
HANDLE	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 20 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/936,816	10/07/2010	Kieran Stafford	ONEP0020US	7030

24235 7590 01/24/2011
LEVINE & MANDELBAUM
222 Bloomingdale Road
Suite 203
WHITE PLAINS, NY 10605

EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
01/24/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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LEVINE & MANDELBAUM
222 Bloomingdale Road
Suite 203
WHITE PLAINS NY 10605

In re Application of: Kieran STAFFORD
Application No. 12/936,816
Filed: October 7, 2010
Atty. Docket No.: ONEP0020US
For: MEANS FOR NAVIGATING DATA USING A GRAPHICAL INTERFACE

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 October 18, 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 IPAU, 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 IPAU, 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 IPAU, 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 the allowable/patentable claim(s) from the IPAU application(s);

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office action(s) (which are relevant to patentability) from each of the IPAU application(s) containing the allowable/patentable claim(s);

(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU office action (unless already submitted in this application) along with copies of the documents except U.S. patents or U.S. patent application publications;

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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NOV 16 2010

PCT LEGAL ADMINISTRATION

Chadbourne & Parke, LLP
30 Rockefeller Plaza
New York, NY 10112

In re Application of :
HOOPER :
Application No.: 12/936,817 :
PCT No.: PCT/EP2009/051029 :
Int. Filing Date: 29 January 2009 :
Priority Date: 07 March 2008 :
Atty. Docket No.: 17132-189US :
For: PLUG WRAP OR TIPPING PAPER FOR :
SMOKING ARTICLES :

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 07 October 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

PTO/SB/20PCT-KR (06-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/936,862	Filing date:	October 7, 2010
First Named Inventor:	Georgio CARNERO		
Title of the Invention:	PORTABLE PROMOTIONAL CONTENT AND INTERFACE 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/US2009/040195

The international date of the corresponding PCT application(s) is/are: 10 April 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 KIPO AND THE USPTO

(continued)

Application No.:	12/936,862
First Named Inventor:	Georgio CARNERO

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on October 7, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature		Date	2010-10-07
Name (Print/Typed)	Steven G. Parmelee	Registration Number	28,790

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/936,862	11/30/2010	Giorgio Carnero	8420/94551	7258

22242 7590 06/06/2011
FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER
MCINTYRE, CHARLES AARON

ART UNIT	PAPER NUMBER
3621	

MAIL DATE	DELIVERY MODE
06/06/2011	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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JUN 0 6 2011

FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

In re application of:	:	**DECISION ON REQUEST TO**
CARNERO, GIORGIO, et al.	:	**PARTICIPATE IN PATENT**
Application No.: 12/936,862	:	**PROSECUTION HIGHWAY**
Filed: November 30, 2010	:	**PROGRAM AND PETITION**
For: PORTABLE PROMOTIONAL CONTENT	:	**TO MAKE SPECIAL UNDER**
AND INTERFACE APPARATUS	:	**37 C.F.R. 1.102(d)**

This is a decision on the request filed October 7, 2010 to participate in the pilot Patent Prosecution Highway (PPH) program between the USPTO and the KIPO based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d), to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

> (1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following requirements:
>
> (a) The U.S. application is a national stage entry of the corresponding PCT application.
>
> (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
>
> (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
>
> (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
>
> (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) through (d) scenarios.

2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

(3) Claim Correspondence:

(a) All of the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims in the U.S. application are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(c) In this regard, a claim that is narrower in scope occurs when a claim indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language. A statement that the English translation is accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(8) Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S. application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed

IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

(10) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy."

In light of the petition and supporting documents filed October 7, 2010, the request to participate in the PPH program complies with the above requirements and 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 Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record in the application.

Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/6/5/11

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MAILED

DEC 13 2010

PCT LEGAL ADMINISTRATION

CHRISTOPHER PAUL MITCHELL
888 16TH ST., NW
SUITE 800
WASHINGTON DC 20006

In re Application of CHA et al. U.S. Application No. 12/936,897 PCT No.: PCT/KR09/04140 Int. Filing Date: 24 July 2009 Priority Date: 24 July 2008 Attorney Docket No.: 0714.0172 For: INDUCTIVE HEATER FOR DENTAL TECHNIQUE AND OPERATION METHOD THEREOF	DECISION

The above-identified application is before the Office of PCT Legal Administration for consideration of matters under 35 U.S.C. 371.

BACKGROUND

On 24 July 2009, applicant filed international application No. PCT/KR09/04140, which claimed a priority date of 29 July 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, or by midnight on 24 January 2011.

On 07 October 2010, applicant filed electronically, via EFS Web, a transmittal letter for entry into the national stage in the United States (Form PTO-1390). The transmittal referenced attorney docket number 0714.0172 and was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). The submission, identifying International Application No. PCT/KR09/04140, was assigned U.S. application number 12/936,897.

On the same day, through the same legal entity, applicant electronically filed a second transmittal letter for entry into the national stage in the United States bearing the same attorney docket number and referencing the same international application PCT/KR09/04140. These papers were assigned U.S. application number 12/936,893.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage have been submitted for international application number PCT/KR09/04140 (United States application numbers 12/936,893 and 12/936,897). The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

The documents filed by above-named counsel and assigned application number 12/936,897 were the first of the two filings to be processed by the USPTO, with such U.S. application file being associated with the international application in the USPTO's PALM system. Accordingly, U.S. application number 12/936,897 is the application file that will

continue to be processed as the national stage of PCT/KR09/04140. The second set of national stage materials filed on 07 October 2010 and originally assigned U.S. application number 12/936,893 will be placed in the present application file, and U.S. application number 12/936,893 will be discontinued.

Applicants should use application number **12/936,897** in all future communications with the United States Patent and Trademark Office (PTO).

Application number 12/936,893 will be discontinued.

CONCLUSION

U.S. application number 12/936,897 is the national stage of PCT/KR09/04140.

Application number 12/936,893 will be discontinued. These papers will be moved to application **12/936,897**.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney-Advisor
PCT Legal Office
Office of PCT Legal Administration
Tel.: 571-272-3286
Facsimile: 571-273-0459

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/936,921	01/14/2011	Sadayuki Abeta	17470/087001	7982

22511 7590 06/08/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER

ART UNIT	PAPER NUMBER
2472	

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OSHA LIANG LLP
Two Houston Center
909 Fannin Suite 3500
Houston TX 77010

In re Application of: Miyamoto et al.
Application No. 12/936921
Filed: October 8, 2010
For: Mobile Station and Radio 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 October 8, 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.

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