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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/983,770	01/03/2011	Masaru FUKUOKA	009289-91681	1020

52989 7590 03/22/2011
Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
03/22/2011	PAPER

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

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

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Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington DC 20006

In re Application of	:	
FUKUOKA, MASARU, et al.	:	DECISION ON REQUEST TO
Application No. 12/983,770	:	PARTICIPATE IN PATENT
Filed: January 3, 2011	:	PROSECUTION HIGHWAY
Attorney Docket No. **009289-91681**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 5, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

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

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Clifford D. Feldmann

Application No. 12983795

Filed:

Attorney Docket No. 10283.1

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 03-JAN-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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/983,862	01/03/2011	Asha Bhat		1193

96643 7590 09/13/2011
Asha Bhat
201 W Lake Street #191
Chicago, IL 60606

EXAMINER
KRAMER, JAMES A

ART UNIT	PAPER NUMBER
3693	

MAIL DATE	DELIVERY MODE
09/13/2011	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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SEP 13 2011

ASHA BHAT
201 W Lake Street #191
Chicago IL 60606

In re application of	:	**DECISION ON PETITION**
BHAT, Asha	:	**TO MAKE SPECIAL FOR**
Application No. 12/983,862	:	**NEW APPLICATION**
Filed: January 3, 2011	:	**UNDER 37 CFR 1.102**

For: BEEHIVE PLANET METHOD: COLLECTIVE PROPERTY BUYING AND MASS SECURITIZING OF REAL ESTATE THROUGH A REAL ESTATE BUYER'S CLUB BROKERAGE SERVICE AND A REAL ESTATE SECURITIES EXCHANGE

This is a decision on the petition filed on January 3, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth

paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

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

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.I, II.5.2, II.6.3, II.6.5, and II.6.6.

Regarding Condition II.5.1, it is required that Applicant's search involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement. The Applicant stated that an NPL search was done, however the applicant gave a general description stating "Business Week and other news and magazine searches". It is unclear what other searches were done, and what service was used to search the Business Week and other databases. Further, it does not appear Applicant searched most of the database files required by the search template. Applicant is reminded that search templates, specific to each class/subclass, may be found at http://www.uspto.gov/web/patents/searchtemplates/. For example, the instant application is best classified in 705/36R. Looking toward the available search templates and recommended areas of search for class 705/36R some of the more relevant search areas would include a text search in the listed Non-Patent Literature database files. A comprehensive list of recommended database files is found on the 705/36R search template web page as well. Especially relevant to the claimed subject matter are database files such as:

ABI/INFORM
Business & IndustryTM (B&I)
Business Wire
Dialog Global Reporter
EBSCOhost Research Databases
Gale Group Computer DatabaseTM
Gale Group GlobalbaseTM
Gale Group New Product Announcements/Plus (NPA/Plus)
Gale Group Newsletter DatabaseTM
Gale Group PROMT
Gale Group Trade & Industry DatabaseTM
Inside Conferences
Inspec (The Database for Physics, Electronics and Computing)
JSTOR Journals
McGraw-Hill Companies Publications Online
ProQuest Direct
TecInfoSource (formerly SoftBase: Reviews, Companies, and Products)
Wall Street Journal Abstracts

As per Condition II.5.2, the preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation. While Applicant conducted a search in 705, the statement seemed to indicate that the search was done in all subclasses of 705, which means every patent and pre-grant publication in class 705 was searched. The search report indicated that it was supplemented by a broad keyword search. Therefore should distinguish between which specific subclasses were searched in 705 (i.e. 705/36R), and which class/sublass was searched using a keyword search as well.

Further the preexamination search report should include the exact syntax used for each search performed. For example it stated that a broad keyword search was done in Google Patents, WIPO, JPO and EPO databases however it never outlines what the keyword search was for each search tool used. Furthermore, the only keywords indicated as being searched were those for the NPL search. While those were broad keywords of the general concept of the invention, they did not encompass all of the features of the invention. For example the search did not include terms such as: "real state brokerage" "holdings" and "property management", which were terms used in the claims. The search should be performed on all features of the invention and ensure that all features which were indicated as not being taught by the prior art should be clearly shown to be searched.

Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following web site: http://www.uspto.gov/web/patents/accelerated/

As to condition II.6.3, there is not a satisfactory detailed explanation of claim patentability over each of the references. While the explanation provided for the independent claims looks good, the applicant only discussed the patentability over the claims of the prior art, the patentability should be discussed in terms of the entire disclosure, including the specification, drawings and claims, of each of the prior art references. Furthermore the applicant has provided statements as to the patentability over the each prior art reference separately, however never discusses how the claims are obvious over the references if combined.

As to condition to II.6.5, the showing of where each limitation of each of the claims finds support under 35 USC 112 in the written description of the application is insufficient. For each claimed limitation the petition needs to identify specific passages, or at least a single paragraph where each limitation is supported. Listing broadly a figure does not comply with what is required. Similar support (if any) for the claimed invention must

additionally be shown in the parent application upon which priority is claimed under 35 USC 119. Specifically, for parent applications 61/345,100, a listing of where the limitations of the claims find support is necessary. The showing must include where each limitation of each claim finds support in each application.

As to condition II.6.6, the broad statement of "All of the cited references are disqualified as prior art under 35 USC 103(c)" is incorrect and should be corrected. Prior Art which is disqualified under 35 USC 103(c) is Patent or PG Publications which qualify under 35 USC 102(e) only, and have the same assignee at the time of filing. NPL references cannot be rejected using 35 102(e), therefore cannot be disqualified under 103(c). Furthermore, the current application does not have an assignee of record, and each of the references used in the support document have different assignees, therefore it is impossible to disqualify every reference using 35 103(c).

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Robert Weinhardt at (571) 272-6633 Business Practice Specialist.

Robert A. Weinhardt
Business Practice Specialist
Technology Center 3600

RW/JP/8/29/11

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/983,862	01/03/2011	Asha Bhat		1193

96643 7590 12/15/2011
Asha Bhat
201 W Lake Street #191
Chicago, IL 60606

EXAMINER
KRAMER, JAMES A

ART UNIT	PAPER NUMBER
3693	

NOTIFICATION DATE	DELIVERY MODE
12/15/2011	ELECTRONIC

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

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

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

ashabeesplanet@gmail.com
ashab@beehiveplanet.com
ashabemail-jobs@yahoo.com

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DEC 14 2011

Asha Bhat
201 W Lake Street #191
Chicago IL 60606

In re application of:	:	**DECISION ON PETITION**
BHAT, Asha	:	**TO MAKE SPECIAL FOR**
Application No.: 12/983,862	:	**NEW APPLICATION**
Filed: January 3, 2011	:	**UNDER 37 CFR 1.102**
For: BEEHIVE PLANET METHOD: COLLECTIVE PROPERTY BUYING AND MASS SECURITIZATION OF REAL ESTATE THROUGH A REAL ESTATE BUYER'S CLUB BROKERAGE SERVICE AND A REAL ESTATE SECURITIES EXCHANGE		

This is a decision on the petition filed on January 3, 2011, and the request for reconsideration and revised documents filed November 20, 2011, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention

will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

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

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

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

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated

examination support document that encompasses the amended or new claims at the time of filing of the amendment.

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

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

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

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

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

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

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

10. Final Disposition:

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

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

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/12/13/11

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David Benjamin Esplin
1827 Tanglewood Dr.
San Marcos CA 92078

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Esplin et al.	:	
Application No. 12/983870	:	DECISION
Filing or 371(c) Date: 01/03/2011	:	ON PETITION
Title of Invention:	:	
SYSTEM AND METHOD FOR MANAGING	:	
WIRELESS POINT-OF-SALE TRANSACTIONS	:	

This is a decision on the "Petition to Revive Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed September 21, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed January 18, 2011. The Notice required 1) the basic filing, search and examination fees; 2) and a surcharge for the late filing of the basic filing fee, and set a two (2) month period for reply from the mail date of the Notice. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply to the Notice having been received, the application became abandoned on March 19, 2011.

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

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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SILICON FOREST PATENT GROUP
PAUL J. FORDENBACHER
11876 NW TYLER CT
PORTLAND OR 97229

MAILED

AUG 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Edward Failing Ritz Jr. et al	:	DECISION GRANTING STATUS
Application No. 12/983,882	:	UNDER 37 CFR 1.47(a)
Filed: January 3, 2011	:	
Attorney Docket No. APE-2002CIP3PCTDIV	:	

This is a decision on the petition filed April 22, 2011 under 37 CFR 1.47(a).

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventors, Edward Failing Ritz Jr. and John E. Bales, have refused to join in the filing of the above-identified application.

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

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

This matter is being referred to the Office of Patent Application Processing.

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

David Bucci
Petitions Examiner
Office of Petitions

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MAILED

AUG 05 2011

OFFICE OF PETITIONS

Edward Failing Ritz, Jr.
2095 S.W. Wynwood Ave.
Portland, OR 97225

In re Application of
Edward Failing Ritz, Jr.; John E. Bales; Tommy Long; J. Lynn Saunders; Ray Nelke; Mohaned Sabri
Application No. 12/983,882
Filed: January 3, 2011
For: Self-Starting Electromotor

Dear Mr. Ritz:

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

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

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

David Bucci
Petitions Examiner
Office of Petitions

cc: Silicon Forest Patent Group
Paul J. Fordenbacher
11876 NW Tyler Ct.
Portland, OR 97229

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Commissioner for Patents
United States Patent and Trademark Office
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MAILED

AUG 05 2011

OFFICE OF PETITIONS

John E. Bales
25716 NE Rawson Rd.
Brush Prairie, WA 98606

In re Application of
Edward Failing Ritz, Jr.; John E. Bales; Tommy Long; J. Lynn Saunders; Ray Nelke; Mohaned Sabri
Application No. 12/983,882
Filed: January 3, 2011
For: Self-Starting Electromotor

Dear Mr. Bales:

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

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

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

David Bucci
Petitions Examiner
Office of Petitions

cc: Silicon Forest Patent Group
Paul J. Fordenbacher
11876 NW Tyler Ct.
Portland, OR 97229

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Earl T. Pottorff

Application No. 12983905

Filed: January 4,2011

Attorney Docket No. 560.031PA

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 04-APR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12983905	Confirmation Number	1287	Filing Date	2011-01-04
Attorney Docket Number (optional)	560.031PA	Art Unit	3711	Examiner	
First Named Inventor	Earl T. Pottorff				
Title of Invention	Golf Putter with Adjustable Lie				

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
Earl	T	Pottorff	

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	/BMolldrem/	Date (YYYY-MM-DD)	2011-04-04
Name	Bernhard P Molldrem Jr	Registration Number	28973

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

MAILED
FEB 28 2012
OFFICE OF PETITIONS

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

In re Application of	: DECISION ON REQUEST TO
Hideki TANAKA	: PARTICIPATE IN PPH PROGRAM
Application No. 12/983,965	: AND PETITION TO MAKE SPECIAL
Filed: January 4, 2011	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 27142	:
For: ENDOSCOPE APPARATUS	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 30, 2012 to make the above-identified application special.

The petition and request are **DISMISSED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

1. The U.S. application is a Paris convention application that either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more application filed in the JPO or to a PCT application that contains no priority claims, or is a national stage application under the PCT that either validly claims priority to an application filed in the JPO or to a PCT application that contains no priority claims, or that contains no priority claim, or is a bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application that validly claims priority to an application filed in the JPO, to a PCT application that contains no priority claims, or contain no priority claim;

2. Applicant must ensure all the claims in the U.S. application sufficiently correspond or amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application and submit a claim correspondence table in English;

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

4. Applicant must submit a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s), or if the allowable/patentable claim(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal, or if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form, and an English language translation of the JPO Office action if submitted; and

5. Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action, unless already submitted in this application, and copies of the documents except U.S. patents or U.S. patent application publications, unless already submitted in this application.

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

Regarding requirement (1), the U.S. application fails to validly claim priority to a JPO application. Although JPO application 2010-550942 is stated in the request, the U.S. application does not claim priority to this JPO application.

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

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

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

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

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
MAR 30 2012
OFFICE OF PETITIONS

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

In re Application of	: DECISION ON REQUEST TO
Hideki TANAKA	: PARTICIPATE IN PPH PROGRAM
Application No. 12/983,965	: AND PETITION TO MAKE SPECIAL
Filed: January 4, 2011	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 27142	:
For: ENDOSCOPE APPARATUS	

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 March 9, 2012 to make the above-identified application special.

The petition and request are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

1. The U.S. application is a Paris convention application that either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more application filed in the JPO or to a PCT application that contains no priority claims, or is a national stage application under the PCT that either validly claims priority to an application filed in the JPO or to a PCT application that contains no priority claims, or that contains no priority claim, or is a bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application that validly claims priority to an application filed in the JPO, to a PCT application that contains no priority claims, or contain no priority claim;

2. Applicant must ensure all the claims in the U.S. application sufficiently correspond or amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application and submit a claim correspondence table in English;

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

4. Applicant must submit a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s), or if the allowable/patentable claim(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal, or if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form, and an English language translation of the JPO Office action if submitted; and

5. Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action, unless already submitted in this application, and copies of the documents except U.S. patents or U.S. patent application publications, unless already submitted in this application.

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

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

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

This application will be forwarded to Technology Center Art Unit 3739 for action commensurate with this action.

Thurman K Page

David Bucci
Petitions Examiner
Office of Petitions

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

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

Attorney Docket Number: 19449-0001	Application Number (if known):	Filing date: 2011-01-04
First Named Inventor: Stephen V. GEARHART		
Title: METHOD AND SYSTEM FOR CURING PIPE LINERS USING MICROWAVE ENERGY		

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 /James C. Nemmers/	Date January 4, 2011
Name (Print/Typed) James C. Nemmers	Registration Number 19,143

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

☐ *Total of ..... forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

Green Technology Pilot Program

Applications Pertaining to Energy Conservation, Development of Renewable Energy Resources, or Greenhouse Gas Emission Reduction

12/27/2010

To whom it may concern,

In my application for "Method and System for Curing Pipe Liners Using Microwave Energy" please consider its immense benefits to conservation of energy resources as well as reduced ozone production during the curing process and elimination of pollution of potable water resources.

1. This system utilizes microwaves to concentrate energy on the cure of Cured in Place Pipe Liners. Traditional curing of an example 8" pipeliner 350 feet long would take approximately 30-45 gallons of #2 diesel fuel. The proposed patent provides for a cure that would only consume a pint of #2 diesel fuel. There are presently over 100 crews nationwide installing pipeliners everyday, usually 2 to 3 sections 350 feet long on average. This is consuming approximately 10,500 gallons of diesel fuel per day or approximately 2,100,000 gallons annually assuming a 200 working day year. This is accounting only for 8" installations, there are many other pipeliners being installed that are larger and consuming much more fuel. The microwave system would account for a fossil fuel usage reduction of greater than 99%.
2. Some systems utilize Ultra Violet curing of the resin in the process producing large volumes of ozone.
3. 95% of all systems presently used for the curing of pipeliners utilize potable water for the cure. The ultimate effect on this water is that through osmosis it becomes contaminated with styrene monomer. No water becomes polluted theough the use of microwave energy for the cure of the resin.

Thank you for your consideration,

Stephen V. Gearhart
12-27-2010
Inventor of "Method and System for Curing Pipe Liners Using Microwave Energy"

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.
12/983,983	01/04/2011	Stephen V. GEARHART	19449-0001	1457

23486 7590 02/01/2011
SHUTTLEWORTH & INGERSOLL, P.L.C.
115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS, IA 52406

EXAMINER

ART UNIT	PAPER NUMBER
1746	

NOTIFICATION DATE	DELIVERY MODE
02/01/2011	ELECTRONIC

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

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

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

deanna@shuttleworthlaw.com
kathyi@shuttleworthlaw.com
uspto@shuttleworthlaw.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

02/01/2011

SHUTTLEWORTH & INGERSOLL, P.L.C.
115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS IA 52406

In re Application of	:	
Gearhart	:	DECISION ON PETITION
Application No. 12/983,983	:	TO MAKE SPECIAL UNDER
Filed: 1/4/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **19449-0001**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/4/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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 1746 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jacob Johannes NIES	)
Confirmation No.: 1565	)
	)
Serial No.: 12/984,039	)
	)
Filing Date: January 4, 2011	)
	)
Atty Docket No.: 246331-1	)

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

Statement Concerning the Basis for the Special Status

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

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

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/
Douglas D. Zhang
Reg. No. 37,985

Dated: May 13, 2011

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6755

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 246331-1	Application Number (if known): 12/984,039	Filing date: January 4, 2011

First Named Inventor: Jacob Johannes NIES

Title: METHOD AND SYSTEM FOR BRAKING IN A WIND TURBINE

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

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

1. By filing this petition:

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

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

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

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

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

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

Signature /Douglas D. Zhang/	Date May 13, 2011
Name (Print/Typed) Douglas D. Zhang	Registration Number 37,985

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

☐ *Total of _____ forms are submitted.

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

Privacy Act Statement

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/984,039	01/04/2011	Jacob Johannes Nies	246331	1565

7788 7590 06/16/2011
GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY, NY 12345

EXAMINER

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
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.

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GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

In re Application of	:	
NIES, JACOB JOHANNES	:	DECISION ON PETITION
Application No. 12/984039	:	TO MAKE SPECIAL UNDER
Filed: January 4, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 246331	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed May 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.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

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

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Shailesh Singh BHAISORA	)
Confirmation No.: 1892	)
	)
Serial No.: 12/984,222	)
	)
Filing Date: January 4, 2011	)
	)
Atty Docket No.: 185080-1 (12764-278)	)

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

Statement Concerning the Basis for the Special Status

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

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

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/
Douglas D. Zhang
Reg. No. 37,985

Dated: May 3, 2011

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6755

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 185080-1 (12764-278)	Application Number (if known): 12/984,222	Filing date: January 4, 2011

First Named Inventor: Shailesh Singh BHAISORA

Title: SYSTEM AND METHOD OF MANIPULTAING A BOUNDARY LAYER ACROSS A ROTOR BLADE OF A WIND TURBINE

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

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

1. By filing this petition:

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

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

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

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

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

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

Signature /Douglas D. Zhang/	Date May 3, 2011
Name (Print/Typed) Douglas D. Zhang	Registration Number 37,985

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

☐ *Total of _____ forms are submitted.

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

Privacy Act Statement

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

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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.
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).
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
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.
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/984,222	01/04/2011	Shailesh Singh Bhaisora	185080 (12764-278)	1892

6147 7590 05/19/2011
GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

EXAMINER

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
05/19/2011	ELECTRONIC

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

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

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

ldocket@crd.ge.com
rosssr@ge.com
wahld@ge.com

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA NY 12309

In re Application of	:	
BHAISORA, SHAILESH SINGH et al	:	DECISION ON PETITION
Application No. 12/984,222	:	TO MAKE SPECIAL UNDER
Filed: Jan. 4, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 185080 (12764-278)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed May 5, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed.**

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

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

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

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

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item #4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. It is not clear how the claimed manipulation of a boundary layer will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. This application will be forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Shailesh Singh BHAISORA	)
Confirmation No.: 1892	)
	)
Serial No.: 12/984,222	)
	)
Filing Date: 01-04-2011	)
	)
Atty Docket No.: 185080-1 (12764-278)	)

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

Request for Reconsideration

SIR:

This is responsive to the Decision on Petition, dated as mailed 19 May 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The Decision to Make Special Under the Green Technology Pilot Program (hereinafter "the Decision") alleges that it is not clear how the claimed manipulation of a boundary layer will provide and enhance the quality of the environment or contribute to the development of renewable energy resources or energy conservation or greenhouse gas reduction. Applicant does not agree with the comments made in the Decision.

Applicant respectfully submits that embodiments of the present invention relate generally to wind turbines and, more particularly, to methods and systems for manipulating a boundary layer across a rotor blade of a wind turbine.

At least some known wind turbines include a nacelle fixed atop a tower, wherein the nacelle includes a rotor coupled to a generator through a shaft. In

known rotor assemblies, a plurality of blades extend from the rotor. The blades are oriented such that wind passing over the blades turns the rotor and rotates the shaft, thereby driving the generator to generate electricity. As wind flows over an outer surface of the rotor blade, a boundary layer is formed over the outer surface that facilitates generating lift across the rotor blade. At least some known wind turbine rotor blades include an active flow control system. Active Flow Control (AFC) is a general term for technologies and/or systems that actively attempt to influence an aerodynamic response of an object in reaction to given in-flow conditions. More specifically, at least some known AFC systems are used to manipulate the boundary layer across a wind turbine rotor blade. At least some known AFC systems use air supply systems to provide air to be discharged from the rotor blade and into the boundary layer. Known AFC systems require air to be channeled from the nacelle and/or the hub to the rotor blade. By channeling air from the nacelle and/or the hub, known AFC systems increase the energy requirements of wind turbine components, which results in a reduction in annual energy production of the wind turbine. (see at least paragraphs [0002] and [0003]).

The embodiments described herein facilitate assembling a rotor blade that increases an annual energy production of a wind turbine. Moreover, the rotor blade described herein includes an air distribution system that discharges air into a boundary layer flowing across a rotor blade outer surface. More specifically, the air distribution system described herein is configured to draw ambient air into the rotor blade cavity and to discharge the air into the boundary layer. By discharging air into the boundary layer, the air distribution system facilitates increasing the aerodynamic efficiency of the rotor blade during operation of the wind turbine, and reduces the power requirements of wind turbine components

as compared to known wind turbines. By drawing ambient air into the rotor blade cavity, and discharging air into the boundary layer, the air distribution system reduces a power requirement to manipulate the boundary layer to enable reattachment of the boundary layer and development of a laminar flow adjacent the rotor blade outer surface. As such, the embodiments described herein facilitate improving the operation of the wind turbine to increase the annual energy production of the wind turbine. (see at least paragraph [0013]).

By increasing aerodynamic efficiency of the rotor blade, reducing the power requirements of wind turbine components and increasing an annual energy production of a wind turbine, the embodiments described herein promote increased energy production.

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

Respectfully submitted,

General Electric Company

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

Dated: June 15, 2011

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/984,222	01/04/2011	Shailesh Singh Bhaisora	185080-1 (12764-278)	1892

6147 7590 07/01/2011
GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

EXAMINER

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
07/01/2011	ELECTRONIC

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

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

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

ldocket@crd.ge.com
rosssr@ge.com
wahld@ge.com

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7/1/11

GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA NY 12309

In re Application of	:	
Bhaisora et al.	:	DECISION ON PETITION
Application No. 12/984,222	:	TO MAKE SPECIAL UNDER
Filed: 1/4/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **185080-1 (12764-278)**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 6/16/2011, 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 3745 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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

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

Attorney Docket Number: 32867.003.10	Application Number (if known): TBD	Filing date: January 4, 2011
First Named Inventor: Richard E. RIMAN		
Title: METHOD OF HYDROTHERMAL LIQUID PHASE SINTERING OF CERAMIC MATERIALS AND PRODUCTS DERIVED THEREFROM		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amendment

Signature /Alyssa K. Sandrowitz/	Date January 4, 2011
Name (Print/Typed) Alyssa K. Sandrowitz	Registration Number 65,401

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

☒ *Total of 1 forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

Docket No.: 32867.003.10
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard E. Riman *et al.*	Customer No.: 30827
Application No.: TBA	Confirmation No.: TBA
Filed: TBA	Art Unit: TBA
For: METHOD OF HYDROTHERMAL LIQUID PHASE SINTERING OF CERAMIC MATERIALS AND PRODUCTS DERIVED THEREFROM	Examiner: TBA

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

STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Dear Sir:

In support of the Petition to Make Special Under the Green Technology Pilot Program, filed concurrently herewith, the Applicants request the above referenced application be afforded special status.

The Applicants submit the basis for special status eligibility under the Green Technology Pilot Program is that the application materially contributes to energy conservation as while as the reduction of greenhouse gases. The applications relates to a ceramic made from a method of hydrothermal liquid phase sintering method, which can be preformed at lower temperatures thereby leading to a reduction in the energy consumed. *See Specification* at [0014]. Furthermore, the ceramic can be made from a hydrothermal liquid phase sintering method that relates to a method suitable for the reduction of greenhouse gases. The ceramic can be made from a method that includes forming a first product from a reaction between at least a first reactant and a second reactant. One of the reactants can be a greenhouse gas. Then the first

product can fill at least a portion of the interstitial spaces of a porous matrix, thereby reducing the greenhouse gas used as a reactant.

For the above reasons, this application is believed to qualify for special status under the Green Technology Pilot Program.

Dated: January 4, 2011

Respectfully submitted,

/Alyssa K. Sandrowitz/

Alyssa K. Sandrowitz
Registration No.: 65,401
McKenna Long & Aldridge LLP
1900 K Street N.W.
Washington, D.C. 20006
Voice: 202-496-7500
Fax: 202-496-7756
Attorneys for Applicants

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.
12/984,299	01/04/2011	Richard E. Riman	32867.003.10	2042

30827 7590 02/04/2011
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
1715	

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.

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

2/4/2011

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of
Richard E. Riman et al.
Application No. 12/984,299
Filed: January 04, 2011
Attorney Docket No. 32867.0030.10

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

This is a decision on the petition under 37 CFR 1.102, filed January 04, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made

by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item 4. The claimed invention, i.e. a sintered composition or sintered monolithic body, does not meet the materiality standard required for entry into the Green Technology Pilot. The applicant states that the process used to make the composition/body is at a lower temperature than conventional methods. While the unclaimed method of producing the composition/body may be "green", the resulting composition/body is simply a sintered composition or body. The claims are directed to an article which, by itself, does not conserve energy or reduce greenhouse gases. Additionally, the applicant states that greenhouse gases may be used as one of the reactants. However, no claims are directed to a greenhouse gas reactant.

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

The application is being forwarded to the examiner for action in its regular turn.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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

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

Attorney Docket Number: GCS-002	Application Number (if known): 12/984,319	Filing date: 01/04/2011
First Named Inventor: Gerard A. Gagnon		
Title: METHOD FOR MAKING FIRE RETARDANT MATERIALS AND RELATED PRODUCTS		

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 Chris A. Caseiro	Date January 28, 2011
Name (Print/Typed) Chris A. Caseiro	Registration Number 34304

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

[X] *Total of 1 forms are submitted.

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

(Not to be Submitted to the USPTO)

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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.

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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.

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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).

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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.
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.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gerard A. Gagnon et al.
Serial No.: 12/984,319
Filed: January 4, 2011
For: METHOD FOR MAKING FIRE RETARDANT MATERIALS AND RELATED PRODUCTS
Examiner:
Art Unit: Confirmation No. 2085

STATEMENT OF BASIS FOR SPECIAL STATUS UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

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

Dear Sir:

Applicants hereby request participation in the Green Technology Pilot Program for the above-referenced application. There are three reasons that support the approval of this request. First, the invention materially enhances the quality of the environment. Second, it materially contributes to the more efficient utilization and conservation of energy resources. Finally, it materially contributes to the reduction of greenhouse gases. The description of the invention provided in the Application confirms the suitability of its entry into the Green Technology Pilot Program as indicated herein.

THE INVENTION MATERIALLY ENHANCES THE QUALITY OF THE ENVIRONMENT

The present invention is a method for making a fire retardant cellulosic insulation material, and its resultant products. The cellulosic insulation material developed can be used to provide enhanced insulation features without the environmental concerns tied to existing insulation materials.

Applicants have described in the Application issues associated with the use of fiberglass insulation, the form of insulation most commonly used to insulate structures of all types. Specifically, they have stated that "Concerns over the in-situ (installed) effective performance of fiberglass as well as the product's limited fire retardant characteristics and environmental characteristics, which are now regulated under the Federal National Toxicological standards,

have raised public and governmental concerns over its continued use as a thermal insulation product. Organic cellulosic insulation has been considered as one type of alternative to fiberglass and can be desirable for that purpose, particularly in regard to its environmental suitability and thermal efficiency. Currently, cellulosic insulation is made from recycled feedstock, with recycled newsprint being the primary feedstock. Other types of materials have been considered in order to increase the volume of available feedstock, such as cardboard, wood construction debris and the like." See paragraph [0004] of the Application.

The Applicants have also stated the difficulties that have existed in establishing cellulose-based insulation as a viable alternative to fiberglass. Specifically, "Cellulosic insulation has not been widely adopted as a suitable alternative to fiberglass insulation for several reasons. First, the cost of the fabrication method mentioned above is too high to make it economically competitive. Second, the conventional recycled material used as feedstock is not adequate to produce enough material to meet market demand as a replacement for fiberglass. In addition, the method of converting various types of recycled feedstock can significantly affect the processing cost. Third, the method of joining the fire retardant material to the cellulose pieces requires the use of a considerable amount of the treatment material, in the case of powdered treatment material, such as the most commonly used pulverized borate, and the poor adhesion between the two materials." See paragraph [0006] of the Application.

The Applicants have developed a process to ensure that the fire retardant material not only adheres effectively to, but also is impregnated effectively into, the cellulosic fibers. Moreover, their process employs recyclable cellulose-based feedstock. As a result, their invention enhances the quality of the environment in two ways. First, it can be used as a viable substitute and replacement for fiberglass. Second, it can remove a significant component—old newspaper and old corrugated containers, for example—from the nation's waste stream. See paragraph [0010] for the description of the feedstocks that can be used to make the fire retardant cellulosic insulation material. For these reasons, the Application should be accepted into the Green Technology Pilot Program.

THE INVENTION MATERIALLY CONTRIBUTES TO THE MORE EFFICIENT UTILIZATION AND CONSERVATION OF ENERGY RESOURCES

The present invention provides an improved form of insulation material. An insulation material that does not include the negative attributes associated with fiberglass is more likely to be used in a greater number of structures that should be insulated. Insulated structures are more likely to require less fuel consumption for heating in the winter, and less energy for cooling in the summer. Therefore, the use of the insulation material of the present invention will result in the conservation of energy resources. In addition, it appears that more energy is required to fabricate fiberglass insulation than is required to convert recyclable cellulose-based materials into cellulose insulation of the present invention. A reduction in the quantity of energy necessary to produce a corresponding insulative effect will result from use of product of the present invention to replace fiberglass. For these reasons, the Application should be accepted into the Green Technology Pilot Program.

THE INVENTION MATERIALLY CONTRIBUTES TO THE REDUCTION OF GREENHOUSE GASES

Production of the cellulose-based insulation product of the present invention on a reasonable commercial scale would materially reduce the emission of greenhouse gases. It would do so in the United States alone by reducing a portion of the energy of heating or cooling that results in the production of such gases in the approximately 129,000,000 buildings in this country. It would also reduce the emission of such gases associated with the production of fiberglass insulation. For this reason, the Application should be accepted into the Green Technology Pilot Program.

CONCLUSION

The invention described in the referenced application is a process for making fire retardant material including fire retardant cellulosic insulation and the product formed through that process. The process includes an arrangement for adding one or more feedstocks and a fire retardancy chemical compound to a common blend tank prior to feedstock drying. The one or more feedstocks may include at least one recycled material feedstock. Old newsprint and old corrugated containers are suitable forms of recycled material feedstock. The present invention provides an improved form of insulation material that does not include the negative attributes associated with fiberglass. The invention materially enhances the quality of the environment,

materially contributes to the more efficient utilization and conservation of energy resources and it materially contributes to the redirection of greenhouse gases. Applicants respectfully request that it be entered into the Green Technology Pilot Program.

Respectfully submitted,

Chris A. Caseiro, Reg. No. 34,304
Attorney for Applicants
Verrill Dana, LLP
One Portland Square
Portland, ME 04112-0586
Tel. No. 207-253-4530

Certificate of Transmission

I hereby certify that this correspondence is being transmitted to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on January 28, 2011, using the EFS-Web service. It is hereby requested that this correspondence be granted a filing date of January 28, 2011.

Chris A. Caseiro

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.
12/984,319	01/04/2011	Gerard A. Gagnon	GCS-002	2085

35557 7590 02/16/2011
CHRIS A. CASEIRO
VERRILL DANA, LLP
ONE PORTLAND SQUARE
PORTLAND, ME 04112-0586

EXAMINER

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Commissioner for Patents
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2/16/2011

CHRIS A. CASEIRO
VERRILL DANA, LLP
ONE PORTLAND SQUARE
PORTLAND ME 04112-0586

In re Application of	:	
Gagnon et al.	:	DECISION ON PETITION
Application No. 12/984,319	:	TO MAKE SPECIAL UNDER
Filed: 1/4/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **GCS-002**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/28/2011, 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 **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 1715 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

Docket No.: 32867.002.10
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard E. Riman *et al.*	Customer No.: 30827
Application No.: TBA	Confirmation No.: TBA
Filed: *Herewith*	Art Unit: TBA
For: SYSTEMS AND METHODS FOR CARBON CAPTURE AND SEQUESTRATION AND COMPOSITIONS DERIVED THEREFROM	Examiner: TBA

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

STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Dear Sir:

In support of the Petition to Make Special Under the Green Technology Pilot Program, filed concurrently herewith, the Applicants request the above referenced application be afforded special status.

The Applicants submit the basis for special status eligibility under the Green Technology Pilot Program is that the application materially contributes to energy conservation as while as the reduction of greenhouse gases. The applications relates to a ceramic made from a hydrothermal liquid phase sintering method, which can be preformed at lower temperatures thereby leading to a reduction in the energy consumed. *See Specification* at [0027]. Furthermore, the ceramic can be produced by a carbon capturing, carbon sequestering process, or a combination thereof. *See Specification* at [0008].

For the above reasons, this application is believed to qualify for special status under the Green Technology Pilot Program.

Dated: January 4, 2011

Respectfully submitted,

/Alyssa K. Sandrowitz/

Alyssa K. Sandrowitz
Registration No.: 65,401
McKenna Long & Aldridge LLP
1900 K Street N.W.
Washington, D.C. 20006
Voice: 202-496-7500
Fax: 202-496-7756
Attorneys for Applicants

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: 32867.002.10	Application Number (if known): TBD	Filing date: January 4, 2011
First Named Inventor: Richard E. RIMAN		
Title: SYSTEMS AND METHODS FOR CAPTURE AND SEQUESTRATION OF GASES AND COMPOSITIONS DERIVED THEREFROM		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amendment

Signature /Alyssa K. Sandrowitz/	Date January 4, 2011
Name (Print/Typed) Alyssa K. Sandrowitz	Registration Number 65,401

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

☒ *Total of 1 forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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.
12/984,332	01/04/2011	Richard E. Riman	32867.002.10	2104

30827 7590 03/15/2011
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
1734	

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

3/15/2011

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of	:	
Riman et al.	:	DECISION ON PETITION
Application No. 12/984,332	:	TO MAKE SPECIAL UNDER
Filed: 1/4/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **32867.002.10**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/4/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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 1734 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COLGATE PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of	:	
Giles Michael Hopley et al	:	DECISION REFUSING STATUS
Application No. 12/984,340	:	UNDER 37 CFR 1.47(a)
Filed: January 4, 2011	:	
Attorney Docket No. 8069-01-OCP	:	

This is in response to the petition under 37 CFR 1.47(a), filed July 21, 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 (1).

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 indication herein that joint inventor Christopher David Drake was presented with a copy of the complete application papers for this application. From the evidence of record, it only appears that joint inventor Drake was presented with a copy of the declaration and assignment and a copy of the parent application number 12/161,805. If the joint inventor was not presented with a copy of the application

papers for this application, then the joint inventor could not attest that he has "reviewed and understand the application papers" and could not execute the declaration he was requested to sign. Did the joint inventor receive a copy of the application papers? The fact that an application may contain proprietary information does not relieve the rule 47 applicant of the responsibility to present the application papers to the joint inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. Unless petitioner can show that a copy of the application papers was presented to the joint inventor, 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 inventor , 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.

Applicant should be aware that the 1.47 matter in the parent application (12/161,805) was dismissed and have not been perfected.

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

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

By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
DEC 20 2011
OFFICE OF PETITIONS

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

In re Application of	:	
Hopley et al.	:	DECISION GRANTING STATUS
Application No. 12/984,340	:	UNDER 37 CFR 1.47(a)
Filed: January 4, 2011	:	
Attorney Docket No. 8069-01-OCP	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 21, 2011.

The petition is **GRANTED.**

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

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

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:4

DATE : March 05, 2012

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction on Patent No.: 8,102,906

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:

Correction is for an printing error by the office.

LW

SPE: Shewang Liu Art Unit: 2611

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOUNTAINHEAD LAW GROUP, P.C.
CHAD R. WALSH
900 LAFAYETTE STREET
SUITE 301
SANTA CLARA, CA 95050

MAILED
JUN 15 2011
OFFICE OF PETITIONS

In re Application of	:	
Wayne A. Loeb et al	:	
Application No. 12/984,477	:	DECISION ON PETITION
Filed: January 4, 2011	:	TO WITHDRAW
Attorney Docket No. MP0351.C1C1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 18, 2011.

The request is **APPROVED**.

A review of the file record indicates that Andrew D. Fortney: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Andrew D. Fortney has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Andrew D. Fortney
215 W. Fallbrook Avenue, Suite 203
Fresno, CA 93711

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.
12/984,517	01/04/2011	Motomichi SHIBANO	TOSH/0188US	2454

EXAMINER
YOUNG, WAYNE R

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
10/06/2011	PAPER

7590 10/06/2011
PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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: FMC3439PUSA(83168803)	Application Number (if known): 12/984,554	Filing date: January 4, 2011
First Named Inventor: MARKUS MARKOWITZ		
Title: METHOD FOR MOTOR VEHICLE INTERIOR CLIMATE CONTROL		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Statement to Make Special

Signature /Gary A. Smith/	Date March 4, 2011
Name (Print/Typed) Gary A. Smith	Registration Number 39376

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

☐ *Total of ..... forms are submitted.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/984,554	01/04/2011	Markus Markowitz	83168803	2509

28395 7590 03/07/2011
BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
03/07/2011	PAPER

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

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22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of	:	
MARKOWITZ, MARKUS et al	:	DECISION ON PETITION
Application No. 12/984,554	:	TO MAKE SPECIAL UNDER
Filed: Jan. 4, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83168803	:	PILOT PROGRAM

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

The petition is **DISMISSED**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks 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 the more efficient utilization and conservation of energy. This is not persuasive because it is not clear the claimed temperature control in a vehicle will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

In 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. This application will be forwarded to the Technology Center Art Unit 3744 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
MARKUS MARKOWITZ et al.

Group Art Unit: 3744
Examiner: Unknown

Serial No.: 12/984,554

Filed: January 4, 2011

For: METHOD FOR MOTOR VEHICLE INTERIOR CLIMATE CONTROL

Attorney Docket No.: 83168803 (FMC 3439 PUSA)

REQUEST FOR RECONSIDERATION OF DISMISSAL OF PETITION TO MAKE SPECIAL

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

Dear Sir:

This Request for Reconsideration is in reply to the Decision on Petition (mailed on 03/07/11) dismissing the pending Petition to Make Special.

Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

The claimed invention yields improvements in the energy efficiency of automotive vehicles (and so leads to the efficient utilization and conservation of energy resources) in the following ways:

The invention serves to minimize the amount of electric power needed to heat a vehicle interior to a desired, comfortable temperature by enabling optimum usage of the small amount of "waste heat" produced by a high-efficiency engine.

Electrically powered vehicles (both hybrid- and pure-electric) produce little waste heat during operation (as compared with a vehicle with an internal combustion engine). In many cases, and particularly in cold climates, this waste heat will not be sufficient to meet the comfort needs of the passengers. In those cases, the only way to produce the heat needed to warm the passenger compartment is to use electrical power. Any electric power used for heating the passenger compartment must be drawn from the vehicles battery and/or generating system and will have a direct, negative impact on the vehicle's energy efficiency.

Thus, the climate control system must be carefully controlled if the use of electric heating is to be avoided. See page 3, lines 5-15: "[E]ngines that operate at a high efficiency and therefore do not produce sufficient heat to heat up the interior in cold ambient conditions. The heat generated by the engine, which is not constant all the time, must therefore be stored and used as effectively as possible." The invention provides such a control method, allowing the optimal use of the available waste heat and/or electrically-generated heat, thereby improving overall vehicle energy efficiency.

As pointed out at page 18, lines 1-7, the invention allows a desired balancing of fuel conservation, tailpipe emissions reductions (including greenhouse gasses), and passenger comfort.

Please note that the other issue raised in the Decision on Petition (failure to pay Early Publication Fee) was corrected by filing of an Electronic Patent Application Fee Transmittal on 03/11/2011. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

MARKUS MARKOWITZ et al.

By: /Gary A. Smith/
Gary A. Smith
Reg. No. 39,376
Attorney for Applicant

Date: March 15, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/984,554	01/04/2011	Markus Markowitz	83168803	2509

28395 7590 04/11/2011
BROOKS KUSHMAN P.C./FGTL
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22ND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
04/11/2011	PAPER

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

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

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22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of
MARKOWITZ, Markus et al.
Application No. 12/984,554
Filed: January 4, 2011
For: **METHOD FOR MOTOR VEHICLE INTERIOR CLIMATE CONTROL**

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

This is a decision on the request for reconsideration of the petition under 37 CFR 1.102, filed March 15, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DENIED**.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition

must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item(s) 3 and 4 above for the reasons explained in more detail below.

Item 3 clearly states 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. Item 4 also states that 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."

The claimed invention is directed to a "method for climate control for an interior of a motor vehicle comprising: acquiring climatically relevant data of the interior and/or surroundings of the vehicle; creating a thermodynamic model of a vehicle climate system; applying a thermal disturbance to the vehicle climate system; and verifying and/or adapting the thermodynamic model based upon a reaction of the interior system to the disturbance." In the request for reconsideration, petitioner asserts that the "invention serves to minimize the amount of electric power needed to heat a vehicle interior to a desired, comfortable temperature by enabling optimum usage of the small amount of 'waste heat' produced by a high-efficiency engine. Electrically powered vehicles (both hybrid- and pure-electric) produce little waste heat during operation (as compared with a vehicle with an internal combustion engine). In many cases, and particularly in cold climates, this waste heat will not be sufficient to meet the comfort needs of the passengers. In those cases, the only way to produce the heat needed to warm the passenger compartment is to use electrical power. Any electric power used for heating the passenger compartment must be drawn from the vehicles battery and/or generating system and will have a direct, negative impact on the vehicle's energy efficiency."

No correlation can be made between the claimed invention and the statements by the applicant to meet the requirements for special status under the Green Technology Pilot Program. The claimed invention defines a "motor vehicle" for "creating a thermodynamic model" and "verifying and/or adapting the thermodynamic model." Whereas the statement of materiality standard relates to using or avoiding the use of electrical heat for electrically powered vehicles. Accordingly, the request for reconsideration of the petition to make special is denied.

Furthermore, Section II of the Pilot Program for Green Technologies as set forth in 74 Federal Register Notice 64666, specifies that "materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment." Upon carefully reviewing the

disclosure of the claimed "climate control for an interior of a motor vehicle," any energy efficiency of the claimed automotive vehicle is based on "specula[tion] as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment."

The application is being forwarded to the Technology Center Art Unit 2121 for action in its regular turn.

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

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/984,555	01/04/2011	Masayuki Hoshino	009289-20155	2510

52989 7590 01/26/2011
Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2469	

MAIL DATE	DELIVERY MODE
01/26/2011	PAPER

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

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

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Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington DC 20006

In re Application of: HOSHINO, MASAYUKI et al.
Application No. 12984555
Filed: January 4, 2011
For: RECEIVER APPARATUS AND COMMUNICATION METHOD

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 5, 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 KR 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 or be amended to 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 KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and (c) a statement that the English translation is accurate.

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

The request to participate in the PPH program and petition are in compliance with all 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 571-272-3088

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

The application is 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

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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MEREDITH & KEYHANI, PLLC
330 MADISON AVE.
6TH FLOOR
NEW YORK NY 10017

MAILED

MAR 17 2011

OFFICE OF PETITIONS

In re Application of	:	
Jay Chun	:	
Application No. 12/984,558	:	DECISION ON PETITION
Filed: January 4, 2011		TO WITHDRAW FROM RECORD
Attorney Docket No. CHUN-011	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 2, 2011.

The request is **APPROVED**.

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

The request was signed by Fariba Sirjani on behalf of himself. Accordingly, Fariba Sirjani associated with the above-identified application has been withdrawn as attorney of record in the above-identified application.

The correspondence address of record remains unchanged.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Fariba Sirjani
925 Delaware Avenue, Apt 9C
Buffalo, NY 14209

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/984,559	01/04/2011	Masayuki Hoshino	009289-30155	2519

52989 7590 01/26/2011
Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2469	

MAIL DATE	DELIVERY MODE
01/26/2011	PAPER

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Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington DC 20006

In re Application of: HOSHINO, MASAYUKI et al.
Application No. 12984559
Filed: January 4, 2011
For: RECEIVER APPARATUS AND COMMUNICATION METHOD

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 5, 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 KR 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 or be amended to 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 KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and (c) a statement that the English translation is accurate.

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

The request to participate in the PPH program and petition are in compliance with all 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 571-272-3088

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

The application is 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

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: GWRPID-035	Application Number (if known): 12/984,583	Filing date: January 4, 2011
First Named Inventor: JONSSON, Karl		
Title: Power Failure Reporting in a Networked Light		

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 /Bruce A. Young Reg. No 45656/	Date 03/07/2011
Name (Print/Typed) Bruce A. Young	Registration Number 45656

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

☐ *Total of 1 forms are submitted.

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/984,583	01/04/2011	Karl Jonsson	GWRPID-035	2561

93652 7590 03/15/2011
GreenWave Reallty Inc
39 Parker
Suite 100
Irvine, IA 92618

EXAMINER

ART UNIT	PAPER NUMBER
2821	

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
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P.O. Box 1450
Alexandria, VA 22313-1450
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GreenWave Reallty Inc
39 Parker
Suite 100
Irvine IA 92618

In re Application of	:	
Karl JONSSON	:	DECISION ON PETITION
Application No. 12/984,583	:	TO MAKE SPECIAL UNDER
Filed: January 04, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. GWRPID-035	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on March 07, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2821 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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Dolby Laboratories Inc.
100 Potrero Avenue
San Francisco CA 94103-4938

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APR 14 2011
OFFICE OF PETITIONS

In re Application of :
Filippini, Steffans, Dougherty, and Zato :
Application No. 12/984,593 : DECISION REFUSING STATUS
Filed: January 4, 2011 : UNDER 37 CFR 1.47(b)
Attorney Docket No. **D09045US01** :
For: **MULTI-VIEW VIDEO FORMAT CONTROL**

This is a decision on the petition under 37 CFR 1.47(b), filed March 4, 2011.

The petition under 37 CFR 1.47(b) is **dismissed.**

Any request for reconsideration under 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. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(b).

The above-identified application was filed on January 4, 2011, and was not accompanied by a properly executed declaration under 37 CFR 1.63. A Notice to File Missing Parts of Non-Provisional Application was mailed January 21, 2011, requiring a properly executed declaration. The instant petition was filed March 4, 2011.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings).

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

(5) proof of proprietary interest, and

(6) a showing (statement) that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The instant petition lacks items (1), (2), and (6) set forth above.

As to item (1), Section 409.03(d) of the *Manual of Patent Examining Procedure* provides, in pertinent part, that:

> [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 . . .
>
> 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 and exhibits speaks to the circumstances of the constructive refusal of the inventors to execute the declaration, but only indicates that the declaration was sent to the inventors. There is no indication that a complete copy of the application papers (specification, claims, drawings, oath and declaration) was presented to the inventor. Petitioner must demonstrate that an effort was made to present a complete copy of the application papers to the inventor before the inventor can be said to have refused

to join the prosecution of the application. Any renewed petition must, therefore, establish that an attempt was made to present a complete copy of the application papers to the non-signing inventors.

As to item (2), the papers filed with the petition indicate that an assignment was executed by the joint inventors to Dolby Laboratories Corporation. Accordingly, the petitioner is not simply a 37 CFR 1.47(b) applicant, but an assignee. Thus, the declaration filed with the instant petition cannot be accepted until the assignee demonstrates that it has the power to prosecute the application. Section 409.03(b) of the *Manual of Patent Examining Procedure* provides, in pertinent part, that, "[w]here the oath or declaration is being signed on behalf of an assignee, see MPEP 324." Section 324 of the Manual of Patent Examining Procedure cites 37 CFR 3.71(c) which states that, "[a]n 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." Petitioner should note that 37 CFR 3.73 requires that before an assignee can take action in a patent matter, the assignee must establish ownership of the patent property in accordance with 37 CFR 3.73(b)(1)(i) or (ii). No statement or certificate meeting the requirements of 37 CFR 3.73 was found with the petition. Petitioner must properly establish ownership of the patent property before the assignee will be granted authority under 37 CFR 1.47(b) to prosecute the application.

Further, the declaration executed by the assignee filed March 5, 2011, is defective because it does not provide the inventorship and other pertinent information for the inventors for the application. Further to this point, Section 409.03(b) provides, in pertinent part, that:

> Filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application. These provisions allow a "person" with a demonstrated proprietary interest to make application "on behalf of and as agent for" an inventor who "cannot be found or reached after diligent effort" or who refuses to sign the application oath or declaration. The word "person" has been construed by the U.S. Patent and Trademark Office to include juristic entities, such as a corporation. Where 37 CFR 1.47(a) is available, application cannot be made under 37 CFR 1.47(b).
>
> In addition to other requirements of law (35 U.S.C. 111(a) and 115), an application deposited pursuant to 37 CFR 1.47(b) must meet the following requirements:
> (A) The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney"s or agent"s authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. Staeger v. Commissioner, 189 USPQ 272 (D.D.C. 1976), In re Striker, 182 USPQ 507 (Comm"r Pat. 1973). *Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor.* Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

As to item (6), petitioner did not include a statement that status for this application under 37 CFR 1.47(b) is necessary to preserve the rights of the parties or to prevent irreparable damage. The renewed petition must include such a statement.

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

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

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

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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MAY 02 2011

OFFICE OF PETITIONS

Dolby Laboratories Inc.
100 Potrero Avenue
San Francisco CA 94103-4938

In re Application of	:
Filippini Steffans Dougherty, , and Zato,	:
Application No. 12/984,593	: DECISION REFUSING STATUS
Filed: January 4, 2011	: UNDER 37 CFR 1.47(b)
Attorney Docket No. **D09045US01**	:
For: **MULTI-VIEW VIDEO FORMAT CONTROL**	

This is a decision on the petition under 37 CFR 1.47(b), filed April 19, 2011.

The petition under 37 CFR 1.47(b) is **dismissed.**

Any request for reconsideration under 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. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(b).

The above-identified application was filed on March 5, 2011, and was accompanied by the instant petition. A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings).

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

(5) proof of proprietary interest, and

(6) a showing (statement) that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The instant petition lacks item (1) set forth above.

As to item (1), Section 409.03(d) of the *Manual of Patent Examining Procedure* provides, in pertinent part, that:

> **[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 . . .**
>
> 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[1]. 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 and exhibits speak to the circumstances of the constructive refusal of the inventors to execute the declaration, but only indicates that the declaration and assignments were sent to the inventors. There is no indication that a complete copy of the application papers (specification, claims, drawings, oath and declaration) was presented to the inventors. Petitioner must demonstrate that an effort was made to present a complete copy of the application papers to the inventors before the inventors can be said to have refused to join the prosecution of the application. This demonstration may include a copy of coverletters sent to the non-signing inventor indicating that a complete copy of the application papers is enclosed for their review and/or a statement by counsel indicating that a complete copy of the application papers, including specification claims, drawings, and abstract, was provided to the non-signing inventors to no avail. Any renewed petition must, therefore, establish that an attempt was made to present a complete copy of the application papers to the non-signing inventors.

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[1] It is noted that inventor Steffans has intimated that the application papers should not be sent to him. If appropriate, petitioner may satisfy item (1) above as to inventor Steffans by making a statement that inventor Steffans has declined to receive the application papers.

Petitioner need not file a complete copy of the application papers with the renewed petition. The renewed petition need only be accompanied by evidence that a complete copy of the application papers was sent to the non-signing inventors.

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

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

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

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Dolby Laboratories Inc.
100 Potrero Avenue
San Francisco CA 94103-4938

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
Filippini Steffans Dougherty, and Zato, :
Application No. 12/984,593 : DECISION ACCORDING STATUS
Filed: January 4, 2011 : UNDER 37 CFR 1.47(b)
Attorney Docket No. **D09045US01** :
For: **MULTI-VIEW VIDEO FORMAT CONTROL**

This is in response to the renewed petition under 37 CFR 1.47(b), filed April 19, 2011.

The decision mailed May 2, 2011 is vacated.

The petition is **GRANTED**.

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

The above-identified application was filed on January 4, 2011, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on January 21, 2011, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. A petition under 37 CFR 1.47(b) was filed on March 4, 2011, responsively. The petition was dismissed by a decision mailed April 14, 2011.

By the instant petition and evidentiary documents, petitioner has established that the assignee has sufficient proprietary interest to proceed with prosecution of the application without the joint inventors.

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

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

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Gianluca Filippini
101 Oak Rim Way
Apt. 23
Los Gatos, CA 95032

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of :
Filippini Steffans Dougherty, and Zato, :
Application No. 12/984,593 : LETTER
Filed: January 4, 2011 :
Attorney Docket No. **D09045US01** :
For: **MULTI-VIEW VIDEO FORMAT CONTROL**

Dear Mr. Filippini:

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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Kenya a. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Dolby Laboratories Inc.
100 Potrero Avenue
San Francisco CA 94103-4938

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Thomas Zato
4344 Watson Circle
Santa Clara, CA 95054

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
Filippini Steffans Dougherty, and Zato, :
Application No. 12/984,593 : LETTER
Filed: January 4, 2011 :
Attorney Docket No. **D09045US01** :
For: **MULTI-VIEW VIDEO FORMAT CONTROL**

Dear Mr. Zato:

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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Kenya a. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Dolby Laboratories Inc.
100 Potrero Avenue
San Francisco CA 94103-4938

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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James Dougherty
1150 Appian Way
Morgan Hill, CA 95037

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of :
Filippini Steffans Dougherty, and Zato, :
Application No. 12/984,593 : LETTER
Filed: January 4, 2011 :
Attorney Docket No. **D09045US01** :
For: **MULTI-VIEW VIDEO FORMAT CONTROL**

Dear Mr. Dougherty:

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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Kenya a. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Dolby Laboratories Inc.
100 Potrero Avenue
San Francisco CA 94103-4938

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Reinhard R. Steffens
431 El Camino Real, #1423
Santa, Clara CA 95050

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of :
Filippini Steffans Dougherty, and Zato, :
Application No. 12/984,593 : LETTER
Filed: January 4, 2011 :
Attorney Docket No. **D09045US01** :
For: **MULTI-VIEW VIDEO FORMAT CONTROL**

Dear Mr. Steffans:

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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Kenya a. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Dolby Laboratories Inc.
100 Potrero Avenue
San Francisco CA 94103-4938

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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.
12/984,597	01/04/2011	Chih-Hsiang Wu	62019-8016.US01	2591

25096 7590 05/06/2011
PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
05/06/2011	ELECTRONIC

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

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

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

patentprocurement@perkinscoie.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of: **WU, CHIH-HSIANG**
Serial No.: **12/984,597**
Filed: **January 4, 2011**

Title: **METHODS TO CONFIGURE PROXIMITY INDICATION IN WIRELESS COMMUNICATIONS SYSTEMS**

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

This is a decision on the petition filed on January 4, 2011 requesting to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

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

3. Office action:

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

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

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

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

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

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

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Daniel Swerdlow, Quality Assurance Specialist, at (571) 272-7531.

/Daniel Swerdlow/

Daniel Swerdlow
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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/984,618	01/05/2011	Ran RAIF	50425	2643

67801 7590 04/05/2011
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER
HORNER, JONATHAN R

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
04/05/2011	PAPER

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

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

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Commissioner for Patents
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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

APR 5 2011

In re Application of	:	
Raif, Ran *et al.*	:	
Serial No.: 12/984,618	:	
Filed: January 5, 2011	:	DECISION ON PETITION
For: **METHOD AND SYSTEM FOR DIGITAL PEN ASSEMBLY**	:	*ACCEPTANCE OF COLOR PHOTOGRAPHS*

This is a decision on the petition under 37 C.F.R. §1.84(b)(2) filed January 5, 2011, requesting acceptance of colored photographs. The petition requests that the color photographs be accepted in lieu of black and white drawings.

The petition requests that the color photographs identified in Figures 2a, 2b, 3, 4b, 4c, 10, 11a, 11b, 11c, 11d, 11e, 12 and 13 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

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

The *petition* is **GRANTED**.

Kenneth Wieder
Special Program Examiner
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.
12/984,619	01/05/2011	Ran RAIF	50426	2645

67801 7590 04/04/2011
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER
PHAM, TAMMY T

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
04/04/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

APR 4 2011

In re Application of	:	
Raif, Ran *et al.*	:	
Serial No.: 12/984,619	:	
Filed: January 5, 2011	:	DECISION ON PETITION
For: **METHOD AND SYSTEM FOR DIGITAL PEN ASSEMBLY**	:	*ACCEPTANCE OF COLOR PHOTOGRAPHS*

This is a decision on the petition under 37 C.F.R. §1.84(b)(2) filed January 5, 2011, requesting acceptance of colored photographs. The petition requests that the color photographs be accepted in lieu of black and white drawings.

The petition requests that the color photographs identified in Figures 2a, 2b, 3, 4b, 4c, 10, 11a, 11b, 11c, 11d, 11e, 12 and 13 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

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

The *petition* is **GRANTED**.

Kenneth Wieder
Special Program Examiner
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

DONALD J. ERSLER, S.C.
725 GARVENS AVENUE
BROOKFIELD WI 53005

MAILED
FEB 10 2011
OFFICE OF PETITIONS

In re Application of	:	
Farrell et al.	:	
Application No. 12/984,639	:	ON PETITION
Filed: January 5, 2011	:	
Attorney Docket No. 2358	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 5, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

This matter is being referred to the Technology Center Art Unit 1776 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-EP (01-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/984,663	Filing date:	January 5, 2011
First Named Inventor:	Francesc Corominas		
Title of the Invention:	METHOD OF PRODUCING A FABRIC SOFTENING COMPOSITION		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US/2010058655

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

I. List of Required Documents:

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

☑ Is attached

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

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

☑ Is attached.

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

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

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

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

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

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

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

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

(continued)

Application No.:	12/984,663
First Named Inventor:	Francesc Corominas

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US claim 1 has all of the same limitations as claim 1 of the corresponding PCT application
2	2	US claim 2 has all of the same limitations as claim 2 of the corresponding PCT application
3	3	US claim 3 has all of the same limitations as claim 3 of the corresponding PCT application
4	4	US claim 4 has all of the same limitations as claim 4 of the corresponding PCT application
5	5	US claim 5 has all of the same limitations as claim 5 of the corresponding PCT application
6	6	US claim 6 has all of the same limitations as claim 6 of the corresponding PCT application

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	Date July 5, 2011
Name (Print/Typed) Julie A. McConihay	Registration Number 55,439

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/984,663	01/05/2011	Francesc Corominas	CM3468	2750

27752 7590 08/09/2011
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

EXAMINER
HARDEE, JOHN R

ART UNIT	PAPER NUMBER
1761	

MAIL DATE	DELIVERY MODE
08/09/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

August 9, 2011

In re application of	:	DECISION ON REQUEST TO
Corominas et al.	:	PARTICIPATE IN PATENT
Serial No. 12/984,663	:	PROSECUTION HIGHWAY
Filed: January 05, 2011	:	PROGRAM AND
For: **METHOD OF PRODUCING A FABRIC**	:	PETITION TO MAKE SPECIAL
SOFTENING COMPOSITION	:	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 July 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 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

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: 67,600-074A (83181303)	Application Number (if known): 12/984,692	Filing date: 01/05/2011
First Named Inventor: William Schwartz		
Title: SWITCHABLE RADIATOR BYPASS VALVE SET POINT TO IMPROVE ENERGY EFFICIENCY		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature /RANDYW.TUNG/	Date 03/04/2011
Name (Print/Typed) RANDY W. TUNG	Registration Number 31,311

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

☐ *Total of ..... forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/984,692	01/05/2011	William Schwartz	67,600-074A (83181303)	2810

32997 7590 03/18/2011
TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS, MI 48302

EXAMINER	
ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
03/18/2011	PAPER

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

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

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TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS MI 48302

In re Application of	:	
SCHWARTZ, WILLIAM et al	:	DECISION ON PETITION
Application No. 12/984,692	:	TO MAKE SPECIAL UNDER
Filed: Jan. 5, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 67600/074A(83181303)	:	PILOT PROGRAM

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

The petition is **dismissed**.

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

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

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

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

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to green technologies. This is not convincing. For example, it is not clear how the claimed two temperature sensors at two points of the cooling system will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. The claims merely directed to two waste heat recovery heat exchangers.

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

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

The application will be forwarded to the Technology Center Art Unit 3749 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

U.S.S.N. 12/984,692

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: William Schwartz et al Group Art Unit: 3749

Serial No.: 12/984,692 Examiner: Not Yet Assigned

Filed: 01/05/2011

For: SWITCHABLE RADIATOR BYPASS VALUE SET POINT TO IMPROVE ENERGY EFFICIENCY

Attorney Docket No.: 67,600-074A (83181303)

CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office via Electronic Filing.

Randy W. Tung		4/12/11
Printed Name	Signature	Date

Please forward all correspondence to

TUNG & ASSOCIATES
838 W. Long Lake Road, Suite 120
Bloomfield Hills, MI 48302

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

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

Dear Sir:

In response to a Dismissal of the Petition filed 03/18/2011, under 37 CFR 1.102 for making the above-identified application special under the Pilot Program for applications pertaining to Green Technologies, the Applicants respectfully request of reconsideration of the petition.

The petition was dismissed for not fulfilling requirement number 4 to qualify for special status in that the materiality standard is not met.

The Applicants hereby respectfully submit that the present application fulfills the special status that the invention materially contributes to energy conservation in enabling the proper operation of a hybrid electric vehicle.

As stated in the Application, paragraph 0009:

"Accordingly, at the onset of the heating situation, the valve set point temperature is elevated to substantially match the heater set point temperature. Therefore, the valve shunts the coolant through the radiator bypass line such that heat is retained in the coolant. **Consequently, the coolant heater consumes less vehicle energy than would have been the case had the elevation of the valve set point not occurred** since the temperature of the coolant subsequently flowing into the coolant heater is now substantially the same as the heater set point temperature. **When the heating situation no longer exists, the valve set point temperature returns to the original value to facilitate optimal energy efficiency and/or performance of the propulsion system efficiency.**"

The Applicants therefore respectfully submit that the present invention discloses a technology to reduce energy consumption of the coolant heater to enable the proper operation of the vehicle and therefore, materially contributes to energy conservation by such operation.

A reconsideration for making special of the present application under the Green Technology Pilot Program is respectfully requested of the Examiner.

In the event that the present invention as claimed is not in condition for allowance for any reason, the Examiner is respectfully invited to call the Applicants representative at his Bloomfield Hills, Michigan office at (248) 540-4040 such that necessary action may be taken to place the application in a condition for allowance.

Respectfully submitted,

Randy W. Tung,
Registration No. 31311

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/984,692	01/05/2011	William Schwartz	67,600-074A (83181303)	2810

32997 7590 05/04/2011
TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS, MI 48302

EXAMINER

ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
05/04/2011	PAPER

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

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

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TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS MI 48302

In re Application of	:	
SCHWARTZ, WILLIAM et al	:	DECISION ON PETITION
Application No. 12/984,692	:	TO MAKE SPECIAL UNDER
Filed: Jan. 5, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 67600/074A(83181303)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed April 12, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

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

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

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

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

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

This application will be forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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In re Application of
William Bartholomay

Application No. 12984738

Filed: January 5,2011

Attorney Docket No. 10-014

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 03-MAR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/984,742	01/05/2011	Katsuyoshi TANIGUCHI	27101	2917

23389 7590 07/27/2011
SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER

ART UNIT	PAPER NUMBER
2628	

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

In re Application of	
Katsuyoshi TANIGUCHI	**: DECISION ON REQUEST TO**
Application No.: 12/984,742	**: PARTICIPATE IN THE PATENT**
Filed: 05 January 2011	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 27101	**: PROGRAM AND PETITION**
For: IMAGE DISPLAY APPARATUS,	**: TO MAKE SPECIAL UNDER**
IMAGE INTERPRETATION SUPPORT	**: 37 CFR 1.102(a)**
SYSTEM AND COMPUTER-	
READABLE 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 24 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

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
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12984831	Confirmation Number	3078	Filing Date	2011-01-05
Attorney Docket Number (optional)	STJ-00701	Art Unit	N/A	Examiner	Not Yet Assigned
First Named Inventor	Jack I. Hanoka				
Title of Invention	METHODS FOR INTERCONNECTING SOLAR CELLS				

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
Jack	I.	Hanoka	

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	/RAJESH VALLABH/	Date (YYYY-MM-DD)	2011-04-05
Name	Rajesh Vallabh	Registration Number	35761

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

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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In re Application of
Jack I. Hanoka

Application No. 12984831

Filed: January 5,2011

Attorney Docket No. STJ-007.01

: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 05-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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No.

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of	:	
Parent et al.	:	
Application No. 12/984,852	:	LETTER REGARDING
Filed: January 5, 2011	:	FEE DEFICIENCY PAYMENT
Atty Docket No. P73252US1	:	

This is in response to the paper styled "CORRECTING ERROR IN SMALL ENTITY STATUS" filed March 17, 2011, which is properly treated as a notification of loss of entitlement to small entity status.

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.

This letter includes an itemization of the fee deficiencies and payment as required by 37 CFR 1.28(c)(2)(ii).

Your notification of a loss of entitlement to small entity status is made of record and your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/984,879	01/05/2011	Tatsuhiko KOSUGI	SUTOSH.752AUS	3174

20995 7590 10/12/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
YOUNG, WAYNE R

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
10/12/2011	ELECTRONIC

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

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

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

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

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

In re Application of	**: DECISION ON REQUEST TO**
KOSUGI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/984,879	**: PROSECUTION HIGHWAY**
Filed: 05 January 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: SUTOSH.752AUS	**: TO MAKE SPECIAL UNDER**
For: DISK STORAGE APPARATUS	**: 37 CFR 1.102(a)**
AND METHOD FOR SERVO	
CONTROLLING	

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 06 September 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

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

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

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

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

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

Lee W. Young
TQAS, Technology Center 2600

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.
12/984,920	01/05/2011	David Newcomb	9335-70CT	3254

20792 7590 04/26/2011
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

EXAMINER
EVANS, FANNIE L

ART UNIT	PAPER NUMBER
2877	

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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Paper No. 20100425

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

In re Application of:	::	
David Newcomb	::	PETITION TO ACCEPT COLOR
Serial No.: 12/984,920	:	DRAWINGS
Filed: January 5, 2011		UNDER 37 CFR § 1.84(a)(2)
Attorney Docket No.: 9335-70CT		

This is a decision on the petition filed January 05, 2011 to accept color drawings under 37 CFR § 1.84(a)(2).

The petition is granted and the drawings have been accepted.

Gregory J. Toatley, Jr.
Supervisory Patent Examiner,
Art Unit 2877

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control Number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **85538-502/RWD**	Application Number (if known): **12/984,999**	Filing Date: **January 05, 2011**
First Named Inventor: **Neil Krovats**		
Title: **Roof Object Support System**		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "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 must contain three (3) or fewer independent claims and twenty (20) or fewer total claims.

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

6. Other Attachments: **Preliminary Amendment of Claims**

Signature **/Ryan W. Dupuis/**	Date **October 24, 2011**
Name (Print/Typed) **Ryan W. Dupuis**	Registration Number **47345**

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

[X] *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/984,999	01/05/2011	Neil Krovats	85538-502	3396

23529 7590 11/17/2011
ADE & COMPANY INC.
2157 Henderson Highway
WINNIPEG, MB R2G1P9
CANADA

EXAMINER
CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
3633	

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.

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NOV 1 7 2011

ADE & COMPANY INC.
2157 Henderson Highway
WINNIPEG MB R2G1P-9 CA CANADA

In re Application of	:	
NEIL KROVATS	:	DECISION ON PETITION
Application No. 12/984,999	:	TO MAKE SPECIAL UNDER
Filed: January 5, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 85538-502	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed October 26, 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 inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3633 for action on the merits commensurate with this decision.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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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.
12/984,999	01/05/2011	Neil Krovats	85538-502	3396

23529 7590 11/17/2011
ADE & COMPANY INC.
2157 Henderson Highway
WINNIPEG, MB R2G1P9
CANADA

EXAMINER
CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
3633	

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.

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ADE & COMPANY INC.
2157 Henderson Highway
WINNIPEG MB R2G1P-9 CA CANADA

NOV 17 2011

In re Application of	:	
Krovats	:	DECISION ON PETITION
Application No. 12/984,999	:	TO MAKE SPECIAL UNDER
Filed: 1/5/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **85538-502**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 10/26/2011, 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 3633 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OSTROW KAUFMAN LLP
SUSAN FORMICOLA
555 FIFTH AVENUE
19TH FLOOR
NEW YORK NY 10017

MAILED
FEB 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Eli Cohen	:	
Application No. 12/985,118	:	ON PETITION
Filed: January 5, 2011		
Attorney Docket No. 207-002	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 5, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

This matter is being referred to the Technology Center Art Unit 3636 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/985,213	01/05/2011	Kum Tae LEE	HI-0579	3856

34610 7590 02/02/2011
KED & ASSOCIATES, LLP
P.O. Box 8638
Reston, VA 20195

EXAMINER

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
02/02/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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KED & ASSOCIATES, LLP
P.O. Box 8638
Reston VA 20195

In re Application of
LEE et al.
Application No.: 12/985,213
Filed: 05 January 2011
Attorney Docket No.: HI-0579
For: OPTICAL ASSEMBLY, BACKLIGHT UNIT HAVING THE SAME, AND DISPLAY APPARATUS THEREOF

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 05 January 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

    or

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

    or

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

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

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

Any response must be submitted via EFS-Web.

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

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

Lee W. Young
TQAS
Technology Center 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/985,362	01/06/2011	Cliff WIEBE	OPNR-003	4194

26744 7590 06/02/2011
PERLEY-ROBERTSON, HILL & MCDOUGALL LLP
1400-340 Albert Street
OTTAWA, ON K1R 0A5
CANADA

EXAMINER
EDWARDS, BRETT J

ART UNIT	PAPER NUMBER
3781	

NOTIFICATION DATE	DELIVERY MODE
06/02/2011	ELECTRONIC

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

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

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

ip@perlaw.ca
mchoo@perlaw.ca
mvickers@perlaw.ca

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PERLEY-ROBERTSON, HILL & MCDOUGALL LLP
1400-340 Albert Street
OTTAWA ON K1R 0A5 CA CANADA

In re Application of: WIEBE, CLIFF Serial No. 12/985,362 Filed: Jan. 6, 2011 Docket: OPNR-003 Title: CONTAINER FASTENING ASSEMBLY	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 31, 2011 to make the above-identified application special. The required petition fee under 37 CFR 1.17(h) was charged to the deposit account as authorized.

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

The request to participate in the PPH pilot program and petition do not comply with the above requirements. The request to participate in the PPH program and petition fail to include Items #2, #3 and #5.

With regard to Item #2, there is no indication of CIPO examiner has allowed claims 1-19. Item #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the CIPO application. The examiner at CIPO has found claims 1, 4-6 and 9-16 lack of Novelty, claims 2, 7, 8 lack of Inventive Step, and claims 1, 8 and 17 lack of clarity. Claims 1-19 in the US application do not correspond with the CIPO allowed claims. Item #5, the petition does not contain a copy of a positive search or examination report from CIPO. Thus, Items #2, #3 and #5 are satisfied and for this reason the petition can not be granted.

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. Currently, the application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action in its regular turn.

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.
12/985,362	01/06/2011	Cliff WIEBE	OPNR-003	4194

26744 7590 07/12/2011
PERLEY-ROBERTSON, HILL & MCDOUGALL LLP
1400-340 Albert Street
OTTAWA, ON K1R 0A5
CANADA

EXAMINER
EDWARDS, BRETT J

ART UNIT	PAPER NUMBER
3781	

NOTIFICATION DATE	DELIVERY MODE
07/12/2011	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):

ip@perlaw.ca
mchoo@perlaw.ca
mvickers@perlaw.ca

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United States Patent and Trademark Office
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PERLEY-ROBERTSON, HILL & MCDOUGALL LLP
1400-340 Albert Street
OTTAWA ON K1R 0A5 CA CANADA

In re Application of: WIEBE, CLIFF Serial No.: 12/985362 Filed: January 6, 2011 Attorney Docket No. : OPNR-003 Title: CONTAINER FASTENING ASSEMBLY	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 15, 2011 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 CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the CIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the CIPO examiner in the CIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Item #6 above.

A previous decision on the instant petition was mailed on June 2, 2011. The previous decision stated the request and petition failed to meet Items #2, #3, and #5 above. Since then, Applicants have filed a response asserting that under Canadian practice, the Canadian Patent Office stated that the entire application is in condition for allowance, thus meaning Claims 1-19 are all allowable.

On a review of the record, Applicant is correct that Claims 1-19 were found allowable by the CIPO, which means that all the claims in the U.S. application sufficiently correspond. Thus, Items #2 and #3 are satisfied. Applicant did not address Item #5 in the response, which the previous petition decision stated that the petition did not contain a copy of a positive search or examination report from the CIPO. The record shows that Applicant submitted the latest Office Action from the CIPO, which cited the references applied in the examination. Thus, Item #5 is not in error. However, in the Office Action the CIPO examiner referenced Canadian Application 621910 A, which according to Item #6 must be listed in an IDS and submitted with a copy. Applicant did list this reference in an IDS submitted on May 31, 2011 but did not ever submit a copy thereof. Since this is a new ground of dismissal not mentioned in the previous decision on the instant petition, the decision here is again dismissed.

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

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

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

Petition is **dismissed**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/985,362	01/06/2011	Cliff WIEBE	PCLP-003	4194

26744 7590 07/27/2011
PERLEY-ROBERTSON, HILL & MCDOUGALL LLP
1400-340 Albert Street
OTTAWA, ON K1R 0A5
CANADA

EXAMINER
EDWARDS, BRETT J

ART UNIT	PAPER NUMBER
3781	

NOTIFICATION DATE	DELIVERY MODE
07/27/2011	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):

ip@perlaw.ca
mchoo@perlaw.ca
mvickers@perlaw.ca

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PERLEY-ROBERTSON, HILL & MCDOUGALL LLP
1400-340 Albert Street
OTTAWA ON K1R 0A5 CA CANADA

In re Application of:	DECISION ON A REQUEST TO
WIEBE, CLIFF	PARTICIPATE IN PATENT
Serial No.: 12/985362	PROSECUTION HIGHWAY
Filed: January 6, 2011	PROGRAM AND PETITION
Attorney Docket No. : OPNR-003	TO MAKE SPECIAL UNDER
Title: CONTAINER FASTENING ASSEMBLY	CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 20, 2011 to make the above-identified application special.

The request and petition are **granted.**

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

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

Previous decisions on the instant petition were mailed on both June 2, 2011 and July 12, 2011. Within the most recent decision on July 12, 2011, it was stated that the Applicant failed to meet condition Item #6 above. Applicant had successfully corrected the original deficiencies as stated on June 2, 2011, but did not submit a copy of foreign reference Canadian Application 621910 A, which was cited by the CIPO examiner in the latest office action. Since this was a new ground of dismissal not mentioned in the previous decision, the petition was again dismissed rather than denied. Since then, Applicant has submitted a copy of CA 621910 into the record.

In light of the reference being submitted, the request to participate in the PPH program and the petition comply with all the above requirements. Applicant has corrected the deficiencies in a timely manner within the given one month period. Accordingly, the above-identified application has been accorded "special" status.

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

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 1, 2012

In re Application of :

Yoshitaka DOZEN

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12985364

Filed : 06-Jan-2011

Attorney Docket No : 0756-9101

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 1, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2822 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12985364
Filing Date	06-Jan-2011
First Named Inventor	Yoshitaka DOZEN
Art Unit	2822
Examiner Name	ROY POTTER
Attorney Docket Number	0756-9101
Title	PAPER INCLUDING SEMICONDUCTOR DEVICE AND MANUFACTURING METHOD THEREOF

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

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

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

Petition Fee

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

○ A joint inventor; all of whom are signing this e-petition

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Eric J. Robinson/
Name	Eric J. Robinsion
Registration Number	38285

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JAN 19 2012
OFFICE OF PETITIONS

SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

In re Application of	: DECISION ON REQUEST TO
Satoshi Hamano, et al.	: PARTICIPATE IN THE PATENT
Application No.: 12/985,417	: PROSECUTION HIGHWAY
Filed: January 6, 2011	: PROGRAM AND PETITION
Attorney Docket No.: Q122498	: TO MAKE SPECIAL UNDER
For: BATTERY CHARACTERISTICS	: 37 CFR 1.102(a)
EVALUATOR	:

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 1, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has 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. However, the present request and petition cannot be granted since petitioner failed to comply with the requirements of 37 CFR 1.4(d)(2)(ii). In this regard, petitioner did not supply his correct registration number in the request and petition filed on November 1, 2011.

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.

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 will be forwarded to the examiner for action on the merits commensurate with this decision.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

MAILED
FEB 23 2012
OFFICE OF PETITIONS

In re Application of
Satoshi Hamano, et al.
Application No.: 12/985,417
Filed: January 6, 2011
Attorney Docket No.: Q122498
For: BATTERY CHARACTERISTICS EVALUATOR

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 31, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

Inquiries concerning this decision should be directed to 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

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 245122-1 (GECZ 201125US01)	Application Number (if known): 12/985,438	Filing date: 01-06-2011

First Named Inventor: Jay Andrew BRONIAK

Title: HOME ENERGY MANAGEMENT SYSTEM INCORPORATING A POOL PUMP

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

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

1. By filing this petition:

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

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

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

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

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

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

Signature /Allison W. Mages/	Date September 30, 2011
Name (Print/Typed) Allison W. Mages	Registration Number 57,275

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

☐ *Total of _____ forms are submitted.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jay Andrew BRONIAK	)
Confirmation No.: 4346	)
	)
Serial No.: 12/985,438	)
	)
Filing Date: 01-06-2011	)
	)
Atty Docket No.: 245122-1 (GECZ 201125US01)	)

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

Statement Concerning the Basis for the Special Status

SIR:

This application relates to an energy management system and more particularly to the management of devices in an energy management system. It finds particular application to incorporating a pool pump in energy management platforms. (See [0001]).

Therefore, Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the more efficient utilization and conservation of energy resources.

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

Respectfully submitted,

General Electric Company

By : /Allison W. Mages/

Allison W. Mages
Reg. No. 57,275

Dated: September 30, 2011

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/985,438	01/06/2011	Jay Andrew Broniak	245122 (GECZ 201125US01)	4346

27885 7590 10/14/2011
FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115

EXAMINER
DECADY, ALBERT

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
10/14/2011	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
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FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

In re Application of	:	
BRONIAK, Jay et al.	:	**DECISION ON PETITION**
Application No. 12/985,438	:	**TO MAKE SPECIAL UNDER**
Filed: January 6, 2011	:	**THE GREEN TECHNOLOGY**
For: **HOME ENERGY MANAGEMENT**	:	**PILOT PROGRAM**
SYSTEM INCORPORATING A POOL PUMP	:	

The petition filed September 30, 2011 has been treated as a petition under 37 CFR 1.102 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

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

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

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

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

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

The petition lacks item(s) 4 above for the reasons explained in more detail below.

In the "Statement Concerning the Basis for the Special Status," petitioner states that "the application relates to energy management and more particularly to the management of devices in an energy management system. It finds particular application to incorporating a pool pump in energy management platforms. (See [0001])." These general statements fail to "explain[ ] how the materiality standard is met." Since the "disclosure is not clear on its face that the claimed invention contributes under category (A) or (B)," applicant is required to provide a more detail "[explanation] of how the materiality standard is met." This is because the claimed invention merely recites being able to detect "peak demand state and an off-peak demand state" and "a scheduling algorithm configured to enable a user to program a schedule for said pool pump." Nothing in the claims relate to the utilization of renewable energy resources, reduce greenhouse gas emission or contribute to more efficient utilization and conservation of energy resources. Furthermore, any request for reconsideration will be reviewed pursuant to Section II of the Pilot Program for Green Technologies as set forth in 74 Federal Register Notice 64666, which specifies that "materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor dies such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment."

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

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

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jay Andrew BRONIAK	)
Confirmation No.: 4346	)
	)
Serial No.: 12/985,438	)
	)
Filing Date: 01-06-2011	)
	)
Atty Docket No.: 245122-1 (GECZ 201125US01)	)

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

Request for Reconsideration

SIR:

This is responsive to the Decision on Petition, dated as mailed 14 October 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to the more efficient utilization and conservation of energy resources.

The Decision to Make Special Under the Green Technology Pilot Program (hereinafter "the Decision") states that the petition fails to explain how the materiality standard is met and alleges that the disclosure is not clear on its face that the claimed invention contributes under category (A) or (B). The Decision alleges that the claimed invention merely recites being able to detect peak demand state and an off-peak demand state and a scheduling algorithm configured to enable a user to program a schedule for a pool pump. The Decision alleges that nothing in the claims relate to the utilization of renewable energy resources, reduce greenhouse gas emission or contribute to more efficient

utilization and conservation of energy resources. Applicant does not agree with the comments made in the Decision.

Applicant respectfully submits that embodiments of the present disclosures relate to an energy management system and more particularly to the management of devices in an energy management system. The disclosure finds particular application to incorporating a pool pump in energy management platforms. (see at least paragraph [0001]).

Smart technology generally relates to a class of technology that uses computer-based remote control and automation. These systems are made possible by two-way communication technology and computer processing and offer many benefits to utilities and consumers; mostly seen in big improvements in energy efficiency. Amongst several benefits, smart energy technologies allow for greater informational awareness and control of energy flow. This informational awareness allows consumers to interface with their energy consumption, providing new levels of detail on how, and how much, electricity is being consumed and at what cost in real time, and give them the tools to increase or decrease their consumption. It also allows utilities to more efficiently manage and adjust electricity transmission, reducing the likelihood of outages and congestion while improving billing accuracy for consumers. Smart energy generally provides consumers and utilities a greater ability to adapt to changing market conditions for greater energy efficiency.

Many utilities are currently experiencing a shortage of electric generating capacity due to increasing consumer demand for electricity. Currently utilities

charge a flat rate, but with increasing cost of fuel prices and high energy usage at certain parts of the day, utilities have to buy more energy to supply customers during peak demand. Lowering peak demand provides a huge cost savings and lessens the peak load that the utility has to accommodate. In order to reduce high peak power demand, many utilities have instituted time of use (TOU) metering and rates which include higher rates for energy usage during on-peak times and lower rates for energy usage during off-peak times. As a result, consumers are provided with an incentive to use electricity at off-peak times rather than on-peak times and to reduce overall energy consumption of power consuming device in a home network at all times. (see at least paragraph [0002]).

A home energy management system has been developed that can automatically operate and disable power consuming devices in a designated home network in response to signals received from a utility. The energy management system includes a central controller, such as a Home Energy Manager (HEM)/Home Energy Gateway (HEG), in communication with each of the power consuming devices and provides a homeowner the means to monitor and manage their energy consumption through a combination of behavior modification and programmed control logic. The HEM/HEG provides real-time feedback to a user regarding the performance and energy consumption of the devices in the home network. Active and real time communication of energy costs of power consuming devices to the consumer enables informed choices for operating those power consuming functions. (see at least paragraph [0003]).

Embodiments of the present invention provide a home energy management system comprising an electronic system having a home energy manager (HEM)/home energy gateway (HEG) acting as a central controller operationally coupled to a home network of power consuming devices that provides a homeowner the means to monitor and manage their energy consumption through a combination of behavior modification and programmed control logic. The central controller provides real-time feedback on electricity, water, and natural gas consumption as well as providing data on renewable energy generation occurring at the home, such as solar photovoltaic generation, wind generation, or any other type of renewable energy generation. (see at least paragraph [0014]).

Embodiments of the present invention find particular application to incorporating a pool pump in energy management platforms, wherein the central controller schedules operation of the pool pump to avoid periods of peak demand. In addition, the central controller may further reduce the pool pump energy consumption load by switching to a low-flow condition to minimize current draw. A low flow condition is evidenced by a reduction in the flow rate of water to/from the pool pump. Reducing the volume of water flowing through the system is a result of operating the pool pump at a lower speed. This will result in a reduction in current draw by the pool pump in turn resulting in reduced power consumption. (see at least paragraph [0030]).

The embodiments disclosed herein provide for more efficient utilization of energy by home appliances and/or household devices, in particular, a pool pump.

Amongst several benefits, embodiments of the present invention provide for greater informational awareness and control of energy flow, which has been shown to encourage reductions in energy consumption, and results in greater energy efficiency on the part of consumers and utilities. Furthermore, embodiments of the present invention provide for the control of an operation of a device, such as a pool pump, in a condition that reduces power consumption. As such, the present invention promotes the more efficient utilization of and conservation of energy.

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

Respectfully submitted,

General Electric Company

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

Dated: November 12, 2011

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/985,438	01/06/2011	Jay Andrew Broniak	245122 (GECZ 201125US01)	4346

27885 7590 12/05/2011
FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115

EXAMINER
DECADY, ALBERT

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
12/05/2011	PAPER

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

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

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The Halle Building
Cleveland OH 44115

DEC 05 2011

In re Application of	:	
Broniak et al.	:	DECISION ON PETITION
Application No. 12/985,438	:	TO MAKE SPECIAL UNDER
Filed: 1/6/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **245122 (GECZ 201125US01)**	:	PILOT PROGRAM

This is a decision on the request for reconsideration under 37 CFR 1.102, filed 11/13/2011, 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 2121 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/985,451	01/06/2011	J. Anselmino JEFFERY	PAT-US20030244-US-CNT2	4374

173 7590 08/26/2011
WHIRLPOOL PATENTS COMPANY - MD 0750
500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH, MI 49085

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
08/26/2011	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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WHIRLPOOL PATENTS COMPANY - MD 0750
500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH MI 49085

Applicant: Anselmino et al.
Appl. No.: 12/985,451
Filing Date: January 6, 2011
Title: ICE MAKING AND DISPENSING SYSTEM
Attorney Docket No.: PAT-US20030244-US-CNT2
Pub. No.: US 2011/0094255 A1
Pub. Date: April 28, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on August 11, 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**. In addition, the applicant has not provided a complete, clean version of the application for publication purposes. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

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

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

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

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

By facsimile: 571-273-8300

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/985,451	01/06/2011	J. Anselmino JEFFERY	PAT-US20030244-US-CNT2	4374

173 7590 09/16/2011
WHIRLPOOL PATENTS COMPANY - MD 0750
500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH, MI 49085

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
09/16/2011	PAPER

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

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

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Alexandria, VA 22313-1450
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WHIRLPOOL PATENTS COMPANY - MD 0750
500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH MI 49085

Applicant: Anselmino et al.
Appl. No.: 12/985,451
Filing Date: January 6, 2011
Title: ICE MAKING AND DISPENSING SYSTEM
Attorney Docket No.: PAT-US20030244-US-CNT2
Pub. No.: US 2011/0094255 A1
Pub. Date: April 28, 2011

This is a decision on the second request for republication of patent application publication under 37 CFR 1.221(a), filed on September 8, 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**. In addition, the applicant has not provided a complete, clean version of the application for publication purposes. 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

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 245237-1 (GECZ 201125US 02)	Application Number (if known): 12/985,479	Filing date: 01-06-2011

First Named Inventor: Nagaraju VALLURI

Title: HOME ENERGY MANAGEMENT SYSTEM INCORPORATING A POOL PUMP

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

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

1. By filing this petition:

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

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

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

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

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

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

Signature /Allison W. Mages/	Date September 30, 2011
Name (Print/Typed) Allison W. Mages	Registration Number 57,275

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

☐ *Total of _____ forms are submitted.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Nagaraju VALLURI	)
Confirmation No.: 4416	)
	)
Serial No.: 12/985,479	)
	)
Filing Date: 01-06-2011	)
	)
Atty Docket No.: 245237-1 (GECZ 201125US 02)	)

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

Statement Concerning the Basis for the Special Status

SIR:

This application relates to an energy management system and more particularly to the management of devices in an energy management system. It finds particular application to incorporating a pool pump in energy management platforms. (See [0001]).

Therefore, Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the more efficient utilization and conservation of energy resources.

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

Respectfully submitted,

General Electric Company

By : /Allison W. Mages/

Allison W. Mages
Reg. No. 57,275

Dated: September 30, 2011

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/985,479	01/06/2011	Nagaraju Valluri	GE 245237-1 GECZ 201125US	4416

27885 7590 10/13/2011
FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115

EXAMINER

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
10/13/2011	PAPER

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

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

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

In re Application of	:	
VALLURI, Nagaraju et al.	:	**DECISION ON PETITION**
Application No. 12/985,479	:	**TO MAKE SPECIAL UNDER**
Filed: January 6, 2011	:	**THE GREEN TECHNOLOGY**
For: **HOME ENERGY MANAGEMENT SYSTEM INCORPORATING A POOL PUMP**	:	**PILOT PROGRAM**

The petition filed September 30, 2011 has been treated as a petition under 37 CFR 1.102 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

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

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

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

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

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

The petition lacks item(s) 8 above for the reasons explained in more detail below.

The petition did not include the publication fee of $300.00 as set forth in 37 CFR 1.18(d).

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

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

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Nagaraju VALLURI	)
Confirmation No.: 4416	)
	)
Serial No.: 12/985,479	)
	)
Filing Date: 01-06-2011	)
	)
Atty Docket No.: 245237-1 (GECZ 201125US 02)	)

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

Statement Concerning the Basis for the Special Status

SIR:

This is in response to the Decision on Petition, dated as mailed on 13 October 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the early publication fee has now been paid"

This application relates to an energy management system and more particularly to the management of devices in an energy management system. It finds particular application to incorporating a pool pump in energy management platforms. (See [0001]).

Therefore, Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the more efficient utilization and conservation of energy resources.

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

Respectfully submitted,

General Electric Company

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

Dated: November 1, 2011

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/985,479	01/06/2011	Nagaraju Valluri	GE 245237-1 GECZ 201125US	4416

27885 7590 11/17/2011
FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115

EXAMINER

ART UNIT	PAPER NUMBER
2121	

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.

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

NOV 17 2011

In re Application of	:	
Valluri et al.	:	DECISION ON PETITION
Application No. 12/985,479	:	TO MAKE SPECIAL UNDER
Filed: 1/6/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **GE 245237-1 GECZ 201125US**	:	PILOT PROGRAM

This is a decision on the request for reconsideration filed 11/3/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 2121 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

SIEMENS

PATENT
Attorney Docket No. 2010P21861US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Applicant:	John M. Obrecht et al.	)
		)
Serial No.:	12/985,589	)
		)
Filed:	01/06/11	)

Title: LOAD MITIGATION DEVICE FOR WIND TURBINE BLADES

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

Statement of Special Status for Eligibility in Green Technology Pilot Program

Applicant respectfully requests Special Status on the basis that the present invention materially contributes to the discovery or development of renewable energy resources.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this Statement to Deposit Account No. 19-2179.

Serial No. 12/985,589
Atty. Doc. No. 2010P21861US

Respectfully submitted,

Dated: 11/18/11

By: _____

W. David Sartor
Registration No. 50,560
(407) 736-5318

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 2010P21861US	Application Number (if known): 12/985,589	Filing date: 01/06/11

First Named Inventor: John M. Obrecht

Title: LOAD MITIGATION DEVICE FOR WIND TURBINE BLADES

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 Special Status for Eligibility in Green Technology Pilot Program

Signature	Date Nov. 18, 2011
Name (Print/Typed) W. David Sartor	Registration Number 50,560

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

☐ *Total of _____ forms are submitted.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/985,589	01/06/2011	John M. Obrecht	2010P21861US	4641

28524 7590 12/07/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
12/07/2011	PAPER

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

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

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

In re Application of	:	
OBRECHT, JOHN M. et. al.	:	DECISION ON PETITION
Application No. 12/985,589	:	TO MAKE SPECIAL UNDER
Filed: January 6, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2010P21861US	:	PILOT PROGRAM

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

The petition is **granted**.

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

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

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

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

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

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

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

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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

PTO/SB/420 (11-10)
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: T7921-0105	Application Number (if known):	Filing date: January 6, 2011
First Named Inventor:		
Title: HAZARDOUS WASTE SANITATION AND REMOVAL DEVICE, METHODS OF USE AND APPLICATIONS THEREOF		

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 Sandra Thompson	Date January 6, 2011
Name (Print/Typed) Sandra P. Thompson	Registration Number 46,264

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

☐ *Total of _____ forms are submitted.

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

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

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BUCHALTER NEMER
18400 VON KARMAN AVE.
SUITE 800
IRVINE CA 92612

MAILED
SEP 15 2011
OFFICE OF PETITIONS

In re Application of	:	
Steven J. Barberi et al	:	DECISION REFUSING STATUS
Application No. 12/985,615	:	UNDER 37 CFR 1.47(a)
Filed: January 6, 2011	:	
Attorney Docket No. T7921-0105	:	

This is in response to the petition under 37 CFR 1.47(a), filed July 7, 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 inventors 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 addresses of the non-signing inventors. Applicant lack items (1) and (4) set forth above.

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventors. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate the non-signing inventors, Steven J. Barberi; Leslie G. Webber; Louis J. Barberi; Paul B. Englram; and Keith W. Kilham, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventors.

Petitioner has not demonstrated that all efforts were expended in trying to locate the non-signing inventors. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he have access to the non-signing inventors' personnel records and, if so, what inspection of the records reveal as to the current addresses, forwarding addresses, or addresses of the nearest living relatives? What inspection of the phone directories for those addresses locations reveal? Further, the petition fails to indicate that correspondences were ever mailed unsuccessfully to the inventors' last known addresses. Therefore, at the very least, petitioner should mail correspondences to the inventors' last known addresses, return receipt and/or forwarding addresses requested. If forwarding addresses are provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to the non-signing inventors' addresses, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventors, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventors cannot be reached after diligent effort or have refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

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

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

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

As to item (4), a statement of inventors Steven J. Barberi; Leslie G. Webber; Louis J. Barberi; Tadeusz J. Radonski; Paul B. Englram; and Keith W. Kilham's last known address is missing and is required.

Petitioner submitted $130 with the petition on July 7, 2011. The petition fee under 37 CFR 1.47(a) is $200. As authorized, the $70 balance is being applied toward the payment of this fee.

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 Irvin Dingle at (571) 272-3210.

David Bucci
Petition Examiner
Office of Petitions

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/985,615	01/06/2011	Steven J. Barberi	T7921-0105	4683

62993 7590 09/19/2011
BUCHALTER NEMER
18400 VON KARMAN AVE.
SUITE 800
IRVINE, CA 92612

EXAMINER

ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
09/19/2011	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):

STHOMPSON@BUCHALTER.COM
patent@buchalter.com
chouston@buchalter.com

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United States Patent and Trademark Office
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18400 VON KARMAN AVE.
SUITE 800
IRVINE CA 92612

9/19/11

In re Application of	:	
Barberi et al.	:	DECISION ON PETITION
Application No. 12/985,615	:	TO MAKE SPECIAL UNDER
Filed: 1/6/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **T7921-0105**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/6/2011, 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 Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1797 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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MAILED
FEB 08 2012
OFFICE OF PETITIONS

In re Application of	:	
Steven J. Barberi et al	:	DECISION REFUSING STATUS
Application No. 12/985,615	:	UNDER 37 CFR 1.47(a)
Filed: January 6, 2011	:	
Attorney Docket No. T7921-0105	:	

This is a decision on the petition filed, December 21, 2011, requesting reconsideration of a decision mailed September 14, 2011, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

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 lack items (1) and (4) set forth above.

As to item (1), the application papers were mailed to the non-signing inventors' addresses via Federal Express. Since the Federal Express Tracking Report indicates signature not required, there is no evidence that the non-signing inventors were presented with a copy of the application papers. The applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventors. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventors such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Accordingly, in any renewed petition, applicants must show that the non-signing inventors were presented with a copy of the application papers (specification, including the claims, drawings, and the declaration) for the present nonprovisional application. If the non-signing inventors refuse to execute the declaration in writing, applicants must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts. If applicants are unable to locate the non-signing inventors at the last known mailing, applicants should explain their efforts to locate the non-signing inventors and include copies of any Internet searches for a current address, etc.

As to item (4), a statement of inventors Steven J. Barberi; Leslie G. Webber; Louis J. Barberi; Tadeusz J. Radonski; Paul B. Englram; and Keith W. Kilham's last known address is missing and is required.

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

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

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

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

Correspondence may also be sent via EFS-Web.

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

David Bucci
Petition 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
www.uspto.gov

MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond VA 23219-0501

Mail Date: April 6, 2011

In re Application of: Loftin et al.
Application No.: 12/985658
Filed: January 6, 2011
Title: DISPLAY SYSTEM, DISPENSING DEVICE AND PACKAGE FOR USE THEREIN

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

This is a decision on the petition filed on January 6, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

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

Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the "pre-examination search document" including pages 1-4; the "accelerated examination support document" comprising pages 1-30, and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 414 subclass 412; class 83 subclass 946 and class 53 subclass 381.2.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists. In the instant petition, petitioner has not identified each means-plus-function claim element. If there are none, a statement to such must be made.

DECISION

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APR 20 2011

MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond VA 23219-0501

In re Application of: Loftin et al. Application No.: 12/985658 Filed: January 6, 2011 Title: DISPLAY SYSTEM, DISPENSING DEVICE AND PACKAGE FOR USE THEREIN	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on April 11, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 10064
MCLEAN VA 22102-8064

MAILED

MAR 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Zauderer, Bert	:	
Application No. 12/985,706	:	ON PETITION
Filed: January 6, 2011	:	
Attorney Docket No. 3923-40002	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 6, 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 an Affidavit by the applicant, Bert Zauderer. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 3743 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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THOMPSON HINE L.L.P.
INTELLECTUAL PROPERTY GROUP
P.O. BOX 8801
DAYTON OH 45401-8801

MAILED

MAR 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Peyman, Gholam A.	:	
Application No. 12/985,758	:	ON PETITION
Filed: January 6, 2011	:	
Attorney Docket No. 075200.22	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 6, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a Declaration from the applicant, Gholam A. Peyman, M.D.. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 1613 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 83178510 (FMC 3531 PUS)	Application Number (if known): 12/985,803	Filing date: January 6, 2011

First Named Inventor: Elizabeth Profitt-Brown

Title: METHODS AND SYSTEMS FOR MONITORING A VEHICLE'S ENERGY SOURCE

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 under 37 C.F.R. Section 1.115

Signature /Dalpreet S. Saluja/	Date May 24, 2011
Name (Print/Typed) Dalpreet S. Saluja	Registration Number 60729

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

☐ *Total of _____ forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ELIZABETH PROFITT-BROWN ET AL.

Group Art Unit: 1614

Examiner: Unknown

Serial No.: 12/985,803

Filed: January 6, 2011

For: METHODS AND SYSTEMS FOR MONITORING A VEHICLE'S ENERGY SOURCE

Attorney Docket No.: 83178510 (FMC 3531 PUS)

STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF THE GREEN TECHNOLOGY PILOT PROGRAM

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

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

Applicants respectfully submit that it is clear on the above-identified application's face that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions, hence no additional statement explaining how the materiality standard is met is being submitted at this time.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of $300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

ELIZABETH PROFITT-BROWN ET AL.

By: /Dalpreet S. Saluja/
Dalpreet S. Saluja
Reg. No. 60,729
Attorney for Applicant

Date: May 24, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

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.
12/985,803	01/06/2011	Elizabeth Profitt-Brown	83178510	5066

28395 7590 08/11/2011
BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER
KEITH, JACK W

ART UNIT	PAPER NUMBER
3663	

MAIL DATE	DELIVERY MODE
08/11/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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AUG 1 1 2011

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of	:	
PROFITT-BROWN, ELIZABETH et. al.	:	DECISION ON PETITION
Application No. 12/985,803	:	TO MAKE SPECIAL UNDER
Filed January 06, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83178510	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed May 24, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

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

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

The petition lacks item 4.

In regard to item 4, the disclosure of the instant application does not adequately explain how the claimed methods and systems for monitoring a vehicle's energy source would materially contribute to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions. The invention discloses a computer based means of obtaining various vehicle information such as energy source status, charging schedule, and charging instructions, all of which do not physically effect energy conservation or have any environmental benefit. As such, there can be no conservation of energy resources or reduction of greenhouse gases. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

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

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

The application is being forwarded to the Technology Center Art Unit 3663 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 83178516 (FMC 3532 PUS)	Application Number (if known): 12/985,807	Filing date: January 6, 2011

First Named Inventor: Elizabeth Profitt-Brown

Title: METHODS AND SYSTEMS FOR SELECTIVELY CHARGING A VEHICLE

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amendment under 37 C.F.R. Section 1.115

Signature /Dalpreet S. Saluja/	Date 2011-05-24
Name (Print/Typed) Dalpreet S. Saluja	Registration Number 60729

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

☐ *Total of _____ forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ELIZABETH PROFITT-BROWN ET AL.

Group Art Unit: 2858

Examiner: Unknown

Serial No.: 12/985,807

Filed: January 6, 2011

For: METHODS AND SYSTEM FOR SELECTIVELY CHARGING A VEHICLE

Attorney Docket No.: 83178516 (FMC 3532 PUS)

STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF THE GREEN TECHNOLOGY PILOT PROGRAM

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

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

Applicants respectfully submit that it is clear on the above-identified application's face that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions, hence no additional statement explaining how the materiality standard is met is being submitted at this time.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of $300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

ELIZABETH PROFITT-BROWN ET AL.

By: /Dalpreet S. Saluja/
Dalpreet S. Saluja
Reg. No. 60,729
Attorney for Applicant

Date: May 24, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

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.
12/985,807	01/06/2011	Elizabeth Profitt-Brown	83178516 (FMC 3532 PUS)	5075

28395 7590 06/14/2011
BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER
KEITH, JACK W

ART UNIT	PAPER NUMBER
3663	

MAIL DATE	DELIVERY MODE
06/14/2011	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

JUN 14 2011

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of	:	
ELIZABETH PROFITT-BROWN et al.	:	DECISION ON PETITION
Application No. 12/985,807	:	TO MAKE SPECIAL UNDER
Filed: January 6, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83178516 (FMC 3532 PUS)	:	PILOT PROGRAM

This is a decision on the petitions under 37 CFR 1.102, filed May 24, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

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

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

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

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

The petition lacks item 4.

In regard to item 4, it is unclear how the claimed computer-implemented system and method for selectively charging a vehicle would conserve energy resources or reduce greenhouse gas emissions. The application does not provide any evidence that scheduling a time period for charging the battery would conserve energy resources or reduce emissions. Scheduling a charging period based on the lowest possible cost changes nothing in the operation of the vehicle or the consumption of energy to operate the vehicle. Utilizing the lowest possible cost for charging does not reduce the energy consumption or motivate the driver to change his/her driving habits to drive less to conserve energy resources, which in turn does not reduce greenhouse gas emissions. In addition, utilizing the lowest possible cost for charging may mean getting electricity from coal or a fossil fuel source which does not reduce greenhouse gas emissions. Furthermore, it is noted that charging a battery is using up energy, and that charging (and operation) of batteries typically results in the emission greenhouse gases (such as sulfur). Many types of batteries such as nickel-metal hydride batteries have poor efficiency, and lithium-ion batteries have short cycle lives and degrade significantly with age. All batteries have an environmental impact through their construction, use, disposal or recycling.

Based on the stated reasons, petitioner's assertion of the claimed invention's efficient utilization and conservation of energy resources, or reduction of greenhouse gas emissions appears to be speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is not agreed that the application on its face meets that materiality standard.

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

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

The application is being forwarded to the Technology Center Art Unit 3663 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ELIZABETH PROFITT-BROWN ET AL.

Group Art Unit: 3663

Examiner: Jack W. Keith

Serial No.: 12/985,807

Filed: January 6, 2011

For: METHODS AND SYSTEM FOR SELECTIVELY CHARGING A VEHICLE

Attorney Docket No.: 83178516 (FMC 3532 PUS)

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION FOR THE GREEN TECHNOLOGY PILOT PROGRAM

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

Dear Sir:

In response to the Decision dismissing the Petition To Make Special Under the Green Technology Pilot Program mailed June 14, 2011, Applicants respectfully submit that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources (standard 3(B)(ii)). Based at least on the statements of support below demonstrating how the materiality standard is met, Applicants respectfully request reconsideration of the petition.

The Examiner dismissed the petition because the disclosure allegedly fails to demonstrate how the claimed invention materially enhances the quality of the environment or materially contributes to the more efficient utilization and conservation of energy resources. The Examiner states that the disclosure fails to include evidence that "scheduling a time period for charging the battery would conserve energy resources… ." The Examiner further states that "[s]cheduling a charging period … changes nothing in the … consumption of energy to operate the vehicle." For

these reasons, the Examiner states that "the petitioner's assertion of the claimed invention's efficient utilization and conservation of resources … appears to be speculative."

Applicants have ample evidence in the originally filed specification supporting the materiality standard. In particular, Applicants' disclosure explicitly recites instances where the various embodiments of the claimed invention conserves energy resources as required under standard 3(B)(ii) of the standards pertaining to make applications relating to green technologies special. For example, Applicants' disclosure states "[i]n the case where a user does not have a variable rate energy plan, the off-peak periods may reduce stress on the energy grid." (Applicants' Specification, p. 16). Thus, the present disclosure describes how the present invention conserves energy resources.

Applicants have shown how the invention operates to either conserve fuel resources or more efficiently utilize resources. For at least these reasons, favorable reconsideration of Applicant's petition to make special is thus requested.

No fee is believed to be due. However, please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

ELIZABETH PROFITT-BROWN ET AL.

By: /Dalpreet S. Saluja/
Dalpreet S. Saluja
Reg. No. 60729
Attorney for Applicant

Date: July 6, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238

Phone: 248-358-4400
Fax: 248-358-3351

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SONNABENDLAW
600 PROSPECT AVE
BROOKLYN, NY 11215

MAILED

NOV 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Tony Malandain	:	
Application No. 12/985,865	:	ON PETITION
Filed: January 6, 2011	:	
Attorney Docket No. BAI1.001	:	

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed January 19, 2011. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on March 20, 2011.

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

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of
Ahopelto, et al.
Application No. 12/985,866
Filed/Deposited: 6 January, 2011
Attorney Docket No. 44427-40-PCT-US

DECISION ON PETITION

This is a decision on the petition filed on 19 August, 2011, pursuant to 37 C.F.R. §1.47.

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

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

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

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

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

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

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

BACKGROUND

The record reflects as follows:

The application was deposited on 6 January, 2011, without, *inter alia*, a fully executed oath/declaration.

On 19 January, 2011, the Office mailed a Notice of Missing Parts, indicating therein the requirement, *inter alia*, for a fully executed oath/declaration.

On 19 August, 2011, Petitioner Brian K. McKnight (Reg. No. 59,914) filed, *inter alia*, a request and fee for extension of time with a petition and fee pursuant to the regulations at 37 C.F.R. §1.47, an oath/declaration executed by co-inventors Teppo and Malinen for themselves and on behalf of non-signing inventor Timo Ahopelto (Mr. Ahopelto)—however, notably the file contains two totally different oath/declaration forms and the signature of Teppo appears on form suggesting two persons (Teppo and Ahopelto) as the inventive entity and the identification of Malinen is on a separate and unexecuted second a page, while the signature of Malinen is on a different form with all three named inventors set forth on the same page but only Malinen's signature. Petitioner submitted an extended statement by S. Scott Heine (Mr. Heine, who narrates the transmittal of the entire application (description, claims, abstract, drawings) to Mr. Ahopelto to his home address by mail, and then a suggested acknowledgement of receipt thereof by Mr. Ahopelto (in his Email of 17 August, 2011) and his failure to sign/join thereafter—thus a constructive refusal to sign/join. Again, however, the lack of clarity as to the signing inventor's (Teppo) perception/declaration of the inventive entity as evidenced by the two completely different forms of the oath/declaration places confusion if not contradiction in the record as to the perception and declaration of the co-inventors as to the nature of the inventive entity.

In view of the conflict and/or incompleteness of the showing, it does not appear as of this writing that Petitioner has satisfied the burden under the Rule. Thus Petitioner failed to make the showing as required under the Rule (37 C.F.R. §1.47(a)) and consistent with the guidance in the Commentary at MPEP §409.03, and §409.03(a).

Petitioners always are reminded:

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

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

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

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

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

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

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

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

---

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

MAILED
DEC 12 2011
OFFICE OF PETITIONS

In re Application of
Ahopelto, et al.
Application No. 12/985,866
Filed/Deposited: 6 January, 2011
Attorney Docket No. 44427-40-PCT-US

DECISION ON PETITION

This is a decision on the petition filed on 14 October, 2011, pursuant to 37 C.F.R. §1.47.

NOTE:

The address on the petition is other than that of record.

If Petitioner desires to receive future correspondence regarding this application, the appropriate Notice must be submitted.

A courtesy copy of this decision will be mailed to Petitioner.

However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

*Further, Petitioner twice failed to state over his signature in the petition—as required under the Rule—the current/valid/reasonably believed to be last known address of the non-signing inventor. Petitioner elected instead to delegate without authority that responsibility to one who is not registered to practice before the Office. As a result, the Office construed Petitioner's submission to state implicitly that he made an independent inquiry—consistent with his duties in practice before the Office—to ensure his professional satisfaction as to the accuracy of that representation. If Petitioner did not personally and independently make such an inquiry, Petitioner **must** now do so. Should Petitioner's inquiry suggest that his earlier submitted representation in this regard could not be construed as stated above, Petitioner **must** immediately so Notice the Office.*

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

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

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

BACKGROUND

The record reflects as follows:

The application was deposited on 6 January, 2011, without, *inter alia*, a fully executed oath/declaration.

On 19 January, 2011, the Office mailed a Notice of Missing Parts, indicating therein the requirement, *inter alia*, for a fully executed oath/declaration.

On 19 August, 2011, Petitioner Brian K. McKnight (Reg. No. 59,914) filed, *inter alia*, a request and fee for extension of time with a petition and fee pursuant to the regulations at 37 C.F.R. §1.47, an oath/declaration executed by co-inventors Teppo and Malinen for themselves and on behalf of non-signing inventor Timo Ahopelto (Mr. Ahopelto)—however, notably the file contains two totally different oath/declaration forms and the signature of Teppo appears on form suggesting two persons (Teppo and Ahopelto) as the inventive entity and the identification of Malinen is on a separate and unexecuted second a page, while the signature of Malinen is on a different form with all three named inventors set forth on the same page but only Malinen's signature. Petitioner submitted an extended statement by S. Scott Heine (Mr. Heine, who narrates the transmittal of the entire application (description, claims, abstract, drawings) to Mr. Ahopelto to his home address by mail, and then a suggested acknowledgement of receipt thereof by Mr. Ahopelto (in his Email of 17 August, 2011) and his failure to sign/join thereafter—thus a constructive refusal to sign/join. Again, however, the lack of clarity as to the signing inventor's (Teppo) perception/declaration of the inventive entity as evidenced by the two completely different forms of the oath/declaration placed confusion if not contradiction in the record as to the perception and declaration of the co-inventors as to the nature of the inventive entity. The petition was dismissed on 29 August, 2011.

On 14 October, 2011, Petitioner re-advanced his petition with, *inter alia*, a copy of the oath/declaration evidencing on identical copies of pages the entirety of the inventive entity and a discussion of the matter and process. In so doing, Petitioner sought to overcome the prior deficiency(ies) and so doing comply with and complete the requirements—to wit: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor could not be found/refused to sign after diligent effort.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

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

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

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

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

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

CC
BRIAN K. MCKNIGHT
NOVAK DRUCE QUIGG LLP
555 MISSION STREET/34TH FLOOR
SAN FRANCISCO, CA 94105

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TIMO AHOPELTO
MYLLYTIE 6 B 8
00140
HELSINKI
FINLAND

MAILED
DEC 12 2011
OFFICE OF PETITIONS

In re Application of	:	
Ahopelto, et al.	:	COMMUNICATION
Application No. 12/985,866	:	
Filed/Deposited: 6 January, 2011	:	
Attorney Docket No. 44427-40-PCT-US	:	

Dear Timo Ahopelto:

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

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

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

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

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/your action(s) and/or inactions. Moreover, the Office can neither advise you nor recommend Counsel in this matter.

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

Counsel of Record:
LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016
and
BRIAN K. MCKNIGHT
NOVAK DRUCE QUIGG LLP
555 MISSION STREET/34TH FLOOR
SAN FRANCISCO, CA 94105

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

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MESMER & DELEAULT, PLLC
41 BROOK STREET
MANCHESTER NH 03104

MAILED
JAN 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Bernwart Kellner	:	
Application No. 12/985,881	:	DECISION ON PETITION
Filed: January 6, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. KELL.US.1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 6, 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 Technology Center Art Unit 3771 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
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:	12/985,883	Filing date:	January 6, 2011
First Named Inventor:	Daniel Eizips		
Title of the Invention:	Systems and Methods for an Identification Protocol Between a Local Controller and a Master Controller		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2011/020591

The international filing date of the corresponding PCT application(s) is/are: January 7, 2011

I. List of Required Documents:

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

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

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

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

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

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

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

(continued)

Application No.:	12/985,883
First Named Inventor:	Daniel Eizips

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

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

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

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Claims 1-20 in the US and PCT applications are identical.

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

Signature /Bruce T. Neel/	Date August 24, 2011
Name (Print/Typed) Bruce T. Neel	Registration Number 37406

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/985,883	01/06/2011	Daniel Eizips	108144-201801/US (TGY018)	5237

64494 7590 09/19/2011
GREENBERG TRAURIG, LLP (SV)
c/o: Greenberg Traurig LLP - Chicago Office
77 West Wacker Drive, Suite 3100
Intellectual Property Department
Chicago, IL 60601

EXAMINER
HWANG, JOON H

ART UNIT	PAPER NUMBER
2447	

NOTIFICATION DATE	DELIVERY MODE
09/19/2011	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):

LAIPMAIL@GTLAW.COM
clairt@gtlaw.com
cadanoc@gtlaw.com

MAILED

SEP 16 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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GREENBERG TRAURIG, LLP (SV)
c/o: Greenberg Traurig LLP Chicago Office
77 West Wacker Drive, Suite 3100
Intellectual Property Department
Chicago IL 60601

In re Application of: EIZIPS et al.
Application No. **12/985,883**
Filed: January 6, 2011
Atty Docket No. 108144-201801/US
For: SYSTEMS AND METHODS FOR AN IDENTIFICATION PROTOCOL BETWEEN A LOCAL CONTROLLER AND A MASTER CONTROLLER

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 **August 24, 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 Beatriz Prieto at 571-272-3902. As a second contact point Hassan Kizou at (571) 272-3088. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Beatriz Prieto/

Beatriz Prieto
Quality Assurance Specialist
Technology Center 2400

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12985897	Confirmation Number	5264	Filing Date	2011-01-06
Attorney Docket Number (optional)	2183.0100	Art Unit	3618	Examiner	Not Yet Assigned
First Named Inventor	Richard Toohey				
Title of Invention	SHOPPING CART HANDLE COVER				

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
Richard		Toohey	

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	/H. JOHN RIZVI/	Date (YYYY-MM-DD)	2011-01-13
Name	H. John Rizvi	Registration Number	41271

PTO/SB/130 (07-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Richard Toohey

Application No. 12985897

Filed:

Attorney Docket No. 2183.0100

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

The petition is **GRANTED**.

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

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

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

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012.
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:	12/985,967	Filing date:	01/06/2011
First Named Inventor:	Adam Boyd Roach		
Title of the Invention:	METHODS, SYSTEMS AND COMPUTER READABLE MEDIA FOR PROVIDING SESSION INITIATION PROTOCOL (SIP) EVENT WATCHER ENTITY INFORMATION IN A COMMUNICATIONS NETWORK		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2011/020407

The international filing date of the corresponding PCT application(s) is/are: 01/06/2011

I. List of Required Documents:

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

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

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

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

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

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

☒ Is attached.
☐ Has already been filed in the above-identified U.S. application on _____

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

☒ Are attached.
☐ Have already been filed in the above-identified U.S. application on _____

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

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.:	12/985,967
First Named Inventor:	Adam Boyd Roach

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-27	1-27	Exactly the same

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

Signature		Date November 8, 2011
Name (Printed/Typed)	Gregory A. Hunt	Registration Number 41,085

CLAIMS

What is claimed is:

1. A method for collecting and distributing session initiation protocol (SIP) event watcher entity subscription information in a communications network, the method comprising:

   receiving, at one or more notifier servers from a plurality of watcher entities, subscription requests for SIP event information associated with a plurality of watched entities;

   receiving, at a watcher information (WINFO) server from the notifier servers, SIP event subscription information that includes, for each watcher entity, an association between the watcher entity to each of the watched entities in which a subscription for SIP event information was requested by the watcher entity;

   storing the SIP event subscription information in the WINFO server;

   receiving, at the WINFO server from one of the watched entities, a request for watcher entity subscription information associated with the requesting watched entity; and

   accessing the SIP event subscription information to locate the watcher entity subscription information associated with the requesting watched entity.

2. The method of claim 1 comprising providing, to the requesting watched entity, the watcher entity subscription information associated with the requesting watched entity.

3. The method of claim 1 wherein the watcher entity subscription information includes a watcher entity identifier and at least one of: a SIP event subscription expiration time associated with the watcher entity or a pending SIP event subscription request from the watcher entity.

4. The method of claim 1 wherein the one or more notifier servers includes one or more resource list servers.

5. The method of claim 1 wherein the one or more notifier servers includes one or more presence service servers.

6. The method of claim 1 wherein the requesting watched entity includes at least one of a requesting watched subscriber entity or a requesting watched resource entity.

7. The method of claim 1 wherein the SIP event subscription information includes at least one of presence service subscription information, dialog subscription information, voice mail subscription information, automatic callback subscription information, PSTN and Internet Internetworking (PINT) subscription information, conference state information, cryptographic certificates, pending consent information, http resource information, keypad markup language information, push-to-talk settings, registration state information, REFER operation progress information, policy documents, intelligent networking (IN) detection point information, user agent profile information, media statistics information, or XCAP document change information.

8. The method of claim 1 wherein the SIP event information includes presence service information.

9. The method of claim 1 wherein the presence service subscription information comprising a watcher entity identifier, a watched entity identifier, and subscription details

10. A system for collecting and distributing session initiation protocol (SIP) event watcher entity subscription information in a communications network, the system comprising:

one or more notifier servers for receiving subscription requests for SIP event information associated with a plurality of watched entities from a plurality of watcher entities;

a watcher information (WINFO) server for receiving, from the notifier servers, SIP event subscription information that includes, for each watcher entity, an association between the watcher entity to each of the watched entities in which a subscription for SIP event information was requested by the watcher entity, for storing the SIP event subscription information in the WINFO server, for receiving, from one of the watched entities, a request for watcher entity subscription information associated with the requesting watched entity

from one of the watched entities, and for accessing the SIP event subscription information to locate the watcher entity subscription information associated with the requesting watched entity.

11. The system of claim 10 wherein the WINFO server is configured to provide, to the requesting watched entity, the watcher entity subscription information associated with the requesting watched entity.

12. The system of claim 10 wherein the watcher entity subscription information includes a watcher entity identifier and at least one of: a SIP event subscription expiration time associated with the watcher entity or a pending SIP event subscription request from the watcher entity.

13. The system of claim 10 wherein the one or more notifier servers includes one or more resource list servers.

14. The system of claim 10 wherein the one or more notifier servers includes one or more presence service servers.

15. The system of claim 10 wherein the requesting watched entity includes at least one of a requesting watched subscriber entity or a requesting watched resource entity.

16. The system of claim 10 wherein the SIP event subscription information includes at least one of presence service subscription information, dialog subscription information, voice mail subscription information, automatic callback subscription information, PSTN and Internet Internetworking (PINT) subscription information, conference state information, cryptographic certificates, pending consent information, http resource information, keypad markup language information, push-to-talk settings, registration state information, REFER operation progress information, policy documents, intelligent networking (IN) detection point information, user agent profile information, media statistics information, or XCAP document change information.

17. The system of claim 10 wherein the SIP event information includes presence service information.

18. The system of claim 10 wherein the SIP event subscription information includes presence service subscription information comprising a watcher entity identifier, a watched entity identifier, and subscription details.

19. A non-transitory computer readable medium having stored thereon executable instructions that when executed by the processor of a computer control the computer to perform steps comprising:

receiving, at one or more notifier servers from a plurality of watcher entities, subscription requests for SIP event information associated with a plurality of watched entities;

receiving, at a watcher information (WINFO) server from the notifier servers, SIP event subscription information that includes, for each watcher entity, an association between the watcher entity to each of the watched entities in which a subscription for SIP event information was requested by the watcher entity;

storing the SIP event subscription information in the WINFO server;

receiving, at the WINFO server from one of the watched entities, a request for watcher entity subscription information associated with the requesting watched entity; and

accessing the SIP event subscription information to locate the watcher entity subscription information associated with the requesting watched entity.

20. The non-transitory computer readable medium of claim 19 comprising providing, to the requesting watched entity, the watcher entity subscription information associated with the requesting watched entity.

21. The non-transitory computer readable medium of claim 19 wherein the watcher entity subscription information includes a watcher entity identifier and at least one of: a SIP event subscription expiration time associated with the watcher entity or a pending SIP event subscription request from the watcher entity.

22. The non-transitory computer readable medium of claim 19 wherein the one or more notifier servers includes one or more resource list servers.

23. The non-transitory computer readable medium of claim 19 wherein the one or more notifier servers includes one or more presence service servers.

24. The non-transitory computer readable medium of claim 19 wherein the requesting watched entity includes at least one of a requesting watched subscriber entity or a requesting watched resource entity.

25. The non-transitory computer readable medium of claim 19 wherein the SIP event subscription information at least one of presence service subscription information, dialog subscription information, voice mail subscription information, automatic callback subscription information, PSTN and Internet Internetworking (PINT) subscription information, conference state information, cryptographic certificates, pending consent information, http resource information, keypad markup language information, push-to-talk settings, registration state information, REFER operation progress information, policy documents, intelligent networking (IN) detection point information, user agent profile information, media statistics information, or XCAP document change information.

26. The non-transitory computer readable medium of claim 19 wherein the SIP event information includes presence service information

27. The non-transitory computer readable medium of claim 19 wherein the SIP event subscription information includes presence service subscription information comprising a watcher entity identifier, a watched entity identifier, and subscription details.

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JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 TOWER BLVD.
SUITE 1200
DURHAM NC 27707

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of
Roach et al.
Application No.: 12/985,967
Filed: January 6, 2011
Attorney Docket No.: 1322/39/2
For: METHODS, SYSTEMS AND COMPUTER READABLE MEDIA FOR PROVIDING SESSION INITIATION PROTOCOL (SIP) EVENT WATCHER ENTITY INFORMATION IN A COMMUNICATIONS NETWORK

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 8, 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, NBPR, or USPTO;

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

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation

thereof and a statement that the English translation is accurate, if the claims are not in the English language;

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

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

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

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

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

Inquiries concerning this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

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

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

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ERIC A. GIFFORD (RAYTHEON COMPANY)
11770 E. CALLE DEL VALLE
TUCSON, AZ 85749

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of :
Althof et al. :
Application No. 12/985,970 : ON PETITION
Filed: January 6, 2011 :
Attorney Docket No. RAYTH.6917 :

This is a decision on the petition under 37 CFR 1.182, filed, January 6, 2011, to correct the name of inventor "A. Russ Althof" to – E. Russ Althof –.

The petition is **DISMISSED** as being moot.

Petitioner asserts that a Supplemental Application Data Sheet was submitted to correct the first initial of the inventor's name which was listed as "A." instead of – E. – on the original (ADS). A review of the file record indicates that the supplemental (ADS) was submitted upon filing and therefore the first initial of the inventor's name was correctly recorded as, E. Russ Althof which is reflected on the original filing receipt mailed January 20, 2011.

In view of the above, the petition filed January 6, 2011, is not necessary.

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 38969-502001US	Application Number (if known): 12/985,994	Filing date: January 6, 2011

First Named Inventor: Peter Butzloff

Title: HYBRID POLYMER COMPOSITIONS WITH ENHANCED BIO-DEGRADABILITY

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature	Date 8/15/2011
Name (Print/Typed) Michael Van Loy (Applicant's representative)	Registration Number 52315

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

☐ *Total of_____ forms are submitted.

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

Attorney's Docket No. 38969-502001US
Customer Number 64046

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	12/985,994	TC/Art Unit:	1784
Applicant:	Peter Butzloff *et al.*	Conf. No.:	5484
Filing Date:	January 6, 2011	Examiner:	Colleen M. Raphael
Title:	**HYBRID POLYMER COMPOSITIONS WITH ENHANCED BIO-DEGRADABILITY**		

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

SUBMISSION IN SUPPORT OF PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

The following pages include items submitted in support of the attached *Petition to Make Special Under the Green Technology Pilot Program.* Prompt consideration and grant of this petition is hereby requested in light of the statements on the following pages.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office on the date indicated below in accordance with 37 CFR 1.8(a)(1)(i)(C).

August 18, 2011
Date of Transmission

Signature

Kethya Teuk
Typed or Printed Name of Person Signing Certificate

REMARKS

Number of Claims. The instant application, which is a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), contains no more than three (3) independent claims and twenty (20) total claims and no multiple dependent claims. A preliminary amendment is submitted with to cancel claims in excess of these requirements.

Early Publication Request. Per the attached Petition to Make Special Under the Green Technology Pilot Program (Form PTO/SB/420), a request for early publication is hereby submitted in compliance with 37 CFR §1.219. The publication fee set forth in 37 CFR §1.18(d) is also paid in association with this submission.

No first Office Action Yet Mailed. As of the date of this filing, no first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system.

Single Invention. The claims of the instant application are believed to be directed to a single invention. If the Office determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), the Office is requested to initiate a telephonic interview to the undersigned who agrees to elect, without traverse, an invention that meets the eligibility requirements of the Green Technology Pilot Program.

Statement of Special Status for the Eligibility Requirement. The subject matter of the currently pending claims of this application materially enhances the quality of the environment and/or materially contributes to: (1) the discovery or development of renewable energy resources, (2) the more efficient utilization and conservation of energy resources, and/or (3) green house gas emission reduction.

The claims of the instant application are drawn to systems, methods, and the like for composite compositions that can include co-polymerized nano-particles of high aspect ratio in covalent combination with a resin component and a matrix or binder material. The composite can include one or more of graphene nano-particles, ion-exchanged clay, and the like used individually or in combination with a free-radical addition process to monomers to provide addition terminated films of polymer compositions. Localized melting of undesirable crystalline regions in the polymer composition in the immediate contact with nanoparticulate regions of the composition can create beneficial effects in polymer uniformity, etc. as the bulk material is subjected to microwave irradiation during formation of articles from the polymer composition. These and other attributes of materials consistent with the current subject matter can provide more economic, cost effective, and simplified production of packaging films consisting of fewer layers, or of a single layer with multiple desirable properties and attributes. In addition, the additives can enhance biodegradation and/or composting of the material once an article is discarded. In seom examples, ultraviolet radiation can interact with the particulate additives in the polymer composition to create free radicals that participate in reactions to break polymer chains, thereby improving availability of the polymer material to biodegradation by microbes, etc.

Another advantage of materials consistent with the claimed subject matter involves enhanced sterilization properties of packaging materials. Food bacteria, viruses, and other pathogens that are sensitive to free radical attack can be destroyed or deactivated by free radicals produced by contact of light (e.g. ultraviolet and/or visible light) and/or moisture with a material according to the current subject matter. These free radicals can break bacterial cell walls or otherwise chemically and/or physiologically alter bacteria and other pathogens, which can lead

to reduced bacterial populations. This feature can provide important enhancements to sterility of stored food.

CONCLUSION

On the basis of the foregoing, the instant application is believed to be in condition for acceptance into the *Green Technology Pilot Program.* The Statement of Special Status submitted herein discusses one or more advantages relating to implementations of the instantly claimed subject matter that can enhance the environment or contribute to energy conservation or renewable energy generation or to reduction in greenhouse gas emissions. Other advantages or benefits may also flow from implementations of the current subject matter. Nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

As noted above, the Publication Fee set forth in 37 CFR §1.18(d) is paid in association with this submission. No other fees are believed to be due. However, the Commissioner is hereby authorized to charge any additional claim fees and any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 38969-502001US. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Date: August 18, 2011

Michael D. Van Loy, Reg. No. 52,315

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130
Customer No. 64046
Tel.: 858/314-1559
Fax: 858/314-1501

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.
12/985,994	01/06/2011	Peter Butzloff	38969-502001US	5484

64046 7590 08/22/2011
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

EXAMINER
RAPHAEL, COLLEEN M

ART UNIT	PAPER NUMBER
1724	

MAIL DATE	DELIVERY MODE
08/22/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

AUG 2 2 2011

In re Application of	:	
Peter Butzloff et al.	:	DECISION ON PETITION
Application No. 12/985,994	:	TO MAKE SPECIAL UNDER
Filed: January 06, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 38969-502001US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 15, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/986,046	01/06/2011	John Buckner	028532-000120US	5574

20350 7590 02/16/2011
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
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SAN FRANCISCO, CA 94111-3834

EXAMINER
YE, LIN

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE.
02/16/2011	ELECTRONIC

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

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

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

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

In re Application of:
BUCKNER, JOHN et al.
Serial No.: 12/986,046
Filed: January 6, 2011

Title: **MEDIA SYSTEMS AND METHODS FOR PROVIDING SYNCHRONIZED MULTIPLE STREAMING CAMERA SIGNALS OF AN EVENT**

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

This is a decision on the petition filed on January 6, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II Items 6.2, 6.3, and 6.5.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in items 6.2 and 6.3 above, petitioner does not provide an identification of claimed limitations and/or a detailed explanation of patentability of each of the claims ***with respect to each reference*** cited in the IDS in support of the Accelerated Examination Support Document. Petitioner has only identified and also argued the patentability of the claims in regard to 11 of the 13 cited references in the IDS filed with the accelerated examination support document. The Accelerated Examination Support Document does not provide an identification of all claimed limitations and/or a detailed explanation of patentability of all of the claims with respect to the other two cited references (i.e. US 7,448,063 Freeman et al. and US 2003-0197785 White et al as part of International Search Report of PCT/US2009/068853). *Therefore, any request for reconsideration must provide a detailed explanation in regard to the claims with respect to the other two cited references as set forth in items 6.2 and 6.3 above.*

Regarding the requirement in item 6.5 above, the "Accelerated Examination Support Document", is deficient because it fails to include a showing of where ***each limitation of the claims*** finds support under the first paragraph of 35 USC 112 in the written description of ***each benefit application***. As set forth supra, "*if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph,* ***in each such application in which such supports exists***". It is noted that the instant application claims benefit to US application 12/642,641. Petitioner has not provided a showing of support for this benefit application. Therefore, an updated accelerated examination support document must be provided which shows where each limitation of the claims finds support in this benefit application as well.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Doris To, Quality Assurance Specialist, at (571) 272-7629.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/986,046	01/06/2011	John Buckner	028532-000120US	5574

20350 7590 03/18/2011
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
YE, LIN

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
03/18/2011	ELECTRONIC

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

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

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

Docket@kilpatricktownsend.com
ipefiling@kilpatricktownsend.com
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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of:
BUCKNER, JOHN et al.
Serial No.: 12/986,046
Filed: January 6, 2011
Attorney Docket No: **028532-000120US**
Title: **MEDIA SYSTEMS AND METHODS FOR PROVIDING SYNCHRONIZED MULTIPLE STREAMING CAMERA SIGNALS OF AN EVENT**

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

This is a decision on the petition filed on March 15, 2011 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed February 16, 2011 have been met.

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

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

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

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

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election

without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

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

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

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

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

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

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

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Doris To, Quality Assurance Specialist, at (571) 272-7629.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED
APR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Tony Day	:	
Application No. 12/986,115	:	DECISION ON PETITION
Filed: January 6, 2011	:	TO WITHDRAW FROM
Attorney Docket No. 026808-002830US	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed March 31, 2011.

The request is APPROVED.

The request was signed by David A. Hall on behalf of himself and all the attorneys/agents associated with Customer Number 20350. Therefore, David A. Hall and all the attorneys/agents associated with Customer Number 20350 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

All future communications from the Office will be directed to the intervening assignee who complied with the requirements of 37 CFR 3.73(b) at the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: American Power Conversion Corporation c/o Shane Hunter
Gilman Clark, LLC
176 Federal Street, 4th Floor
Boston, MA 02110

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/986,119	01/06/2011	Hiroshi ITAFUJI	AIGIP006	5718

58766 7590 10/21/2011
Beyer Law Group LLP
P.O. BOX 1687
Cupertino, CA 95015-1687

EXAMINER

ART UNIT	PAPER NUMBER
3753	

NOTIFICATION DATE	DELIVERY MODE
10/21/2011	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):

USPTOmail@beyerlaw.com

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Beyer Law Group LLP
P.O. BOX 1687
Cupertino CA 95015-1687

In re Application of:
ITAFUJI, HIROSHI et al
Serial No.: 12/986,119
Filed: 01/06/2011
Attorney Docket No. : AIGIP006
Title: VACUUM CONTROL SYSTEM AND VACUUM CONTROL METHOD

DECISION ON A REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Oct. 17, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of :

FINK, James R. et al. :
Application No. 12/986,120 :
Filed: January 06, 2011 :
Attorney Docket No. 026808-002115US :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 30, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by David Hall on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated with the Customer Number 20350 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.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **AMERICAN POWER CONVERSION CORPORATION**
C/O SHANE HUNTER
GILMAN CLARK LLC
176 FEDERAL STREET, 4TH FLOOR
BOSTON MA 02110

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MAY 05 2011

OFFICE OF PETITIONS

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
Xiao et al.	:	DECISION REFUSING STATUS
Application No. 12/986,130	:	UNDER 37 CFR 1.47(a)
Filed: January 6, 2011	:	
Attorney Docket No. 87720-705466 (019600US)	:	

This is in response to the petition under 37 CFR 1.47(a), filed April 12, 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 inventors. **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 inventors 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 inventors.

Applicant lacks items (1) and (2) set forth above.

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Guo Qing Chen, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged,

a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing Chen. The mailing to Mr. Chen's last known address was returned and one very specialized internet search yielded no leads in ascertaining Mr. Chen's current address.

Other attempts to reach Mr. Chen should be attempted --e.g. through e-mail, computer searches (such as LEXIS), the telephone. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the non-signing inventor could not be found or reached should be made part of the statement of facts. The steps taken to locate the whereabouts of the non-signing inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

If it is concluded by the 37 CFR 1.47 applicant that a non-signing inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted.

Applicant lacks item (2) set forth above. The declaration is not acceptable because the additional page of declaration is missing. Please provide a complete copy of the declaration.

An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicant on behalf of the non-signing inventor is REQUIRED. See MPEP 409.03(a).

It is noted that all joint inventor's residence and mailing address is the same. Given the fact that Mr. Chen and Mr. Lee no longer work at Semiconductor Manufacturing International Corporation, it is assumed that they does not receive mail there.

MPEP 605.03 states that, "Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either applicant's home or business address is acceptable as the mailing address.... In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given...."

Please file a supplemental ADS correcting Mr. Chen and Mr. Lee's residences and mailing addresses.

Deposit account no. 20-1430 will be charged the required $130.00 late declaration surcharge. The Office acknowledges receipt of the $200.00 Rule 47 petition fee and a $130.00 one month extension of time fee.

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
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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TWO EMBARCADERO CENTER
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SAN FRANCISCO CA 94111-3834

MAILED
JUL 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Xiao et al.	:	DECISION REFUSING STATUS
Application No. 12/986,130	:	UNDER 37 CFR 1.47(a)
Filed: January 6, 2011	:	
Attorney Docket No. 87720-705466 (019600US)	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 5, 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 inventors. **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 inventors 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 inventors.

Applicant lacks item (2) set forth above.

The declaration filed July 5, 2011 is not acceptable because only two of three joint inventors are listed and Dah-Bin Kao has signed for both of them as representative of Semiconductor Manufacturing International (Shanghai) Corp.. Petitioner is reminded that when one joint inventor signs, the provisions of 37 CFR 1.47(a) apply. Where 37 CFR 1.47(a) is available, application cannot be made under 37 CFR 1.47(b). MPEP 409.03(b).

It is noted that the incomplete declaration, filed on April 12, 2011, lists the incorrect citizenship for Mr. Chen. Thus, even if the missing third page of that declaration is filed, it would not be acceptable.

Mr. Xiao should execute another declaration for use with an ADS that lists all three joint inventors and their citizenships.

An oath or declaration in compliance with 37 CFR 1.63 signed by the Rule 1.47 applicant, Mr. Xiao, on behalf of himself and the non-signing inventors is REQUIRED. See MPEP 409.03(a).

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

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED
OCT 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Xiao et al.	:	DECISION ACCORDING STATUS
Application No. 12/986,130	:	UNDER 37 CFR 1.47(a)
Filed: January 6, 2011	:	
Attorney Docket No. 87720-705466	:	
(019600US)		

This is in response to the renewed petition under 37 CFR 1.47(a), filed October 12, 2011.

The petition is granted.

Petitioner has shown that the non-signing inventor, Roger Lee, has constructively refused to join in the filing of the above-identified application and the non-signing inventor, Guo Qing Chen, cannot be found 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 inventors at the addresses 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 further pre-examination processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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MAILED
DEC 13 2011
OFFICE OF PETITIONS

NORTON ROSE OR LLP- RIM
1 Place Ville Marie
Suite 2500
Montreal QC H3B 1R1 CA CANADA

In re Application of	:	
Chiu et al.	:	
Application No. 12/986257	:	
Filing or 371(c) Date: 01/07/2011	:	ON PETITION
Attorney Docket Number:	:	
05200204-319US-3	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 22, 2011, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed March 23, 2011. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on June 24, 2011.

Applicant files the present petition and includes an Amendment in reply to the Office action.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

The application is being referred to Technology Center Art Unit 2617 for processing of the Amendment filed with the petition in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Application of	:	
De Villiers et al.	:	
Application No. 12/986,292	:	DECISION ON PETITION
Filed: January 7, 2011		TO WITHDRAW FROM RECORD
Attorney Docket No. 022031-000223US	:	
	:	

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 18, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on June 10, 2011 the power of attorney to Kilpatrick Townsend & Stockton 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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MAILED

MAR 26 2012

OFFICE OF PETITIONS

GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

In re Application of
Hancox, et al.
Application No. 12/986,317
Filed: January 7, 2011
Atty. Dkt. No.: P4259C1

: DECISION ON PETITION

This decision is in response to the petition under 37 CFR 1.137(b), filed March 6, 2012.

The petition is **GRANTED**.

This application became abandoned March 1, 2012 for failure to timely reply to the Notice of Allowance and Issue Fee Due (Notice) mailed November 29, 2011. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed March 14, 2012.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this application is being forwarded to the Office of Data Management for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL E. KLICPERA
PO BOX 573
LA JOLLA CA 92038-0573

MAILED

MAR 02 2012

OFFICE OF PETITIONS

In re Application of
Michael Klicpera
Application No. 12/986,341
Filed: January 8, 2011
Attorney Docket No. 70916.01

ON PETITION

This is a decision on the petition, filed February 9, 2012 under 37 CFR 1.137(b)[1], to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on June 29, 2011, for failure to timely respond to the Notice to File Missing Parts mailed April 28, 2011, which set a two (2) month period for reply. Accordingly, a Notice of Abandonment was mailed January 6, 2012.

The filing of the response to the Notice to File Missing Parts mailed April 28, 2011 is acknowledged.

All other requirements having been met, this matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1]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), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

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: 243389-1	Application Number (if known): 12/986401	Filing date: 1-7-2011
First Named Inventor: Errin Gnadinger		
Title: FLOW RATE SENSOR AND RELATED DISHWASHER		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Allison W. Mages/	Date 11-23-2011
Name (Print/Typed) Allison W .Mages	Registration Number 57,275

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/986,401	01/07/2011	Errin Gnadinger	243389/GECA-43	6298

99491 7590 12/16/2011
Dority and Manning, P.A and General
Electric-Appliance and Lighting
PO Box 1449
greenville, SC 29602

EXAMINER
STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
1711	

MAIL DATE	DELIVERY MODE
12/16/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Dority and Manning, P.A and General
Electric-Appliance and Lighting
PO Box 1449
Greenville SC 29602

12/16/11

In re Application of	:	
Gnadinger et al.	:	DECISION ON PETITION
Application No. 12/986,401	:	TO MAKE SPECIAL UNDER
Filed: 1/7/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **243389/GECA-43**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/28/2011, 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 **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 1711 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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VERTEX PHARMACEUTICALS INC.
SUSAN BATTY-GUNN
130 WAVERLY STREET
CAMBRIDGE MA 02139-4242

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of
Graham Cheetham et al
Application No. 12/986,404
Filed: January 7, 2011
Attorney Docket No. VPI/05-109 US CN2

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely to the Office action mailed April 28, 2011. A Notice of Abandonment was mailed on November 30, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an election/amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Office action mailed April 28, 2011, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1656 for appropriate action by the Examiner in the normal course of business on the reply received December 2, 2011.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 244127-1	Application Number (if known): 12/986410	Filing date: 2011-01-07
First Named Inventor: Ramasamy Thiyagarajan		
Title: FILTERING METHOD AND RELATED DISHWASHER		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Allison W. Mages/	Date 2011-11-14
Name (Print/Typed) Allison W .Mages	Registration Number 57,275

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/986,410	01/07/2011	Ramasamy Thiyagarajan	244127/GECA-44	6314

99491 -7590 12/16/2011
Dority and Manning, P.A and General
Electric-Appliance and Lighting
PO Box 1449
greenville, SC 29602

EXAMINER
STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
1711	

MAIL DATE	DELIVERY MODE
12/16/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Commissioner for Patents
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Dority and Manning, P.A and General
Electric-Appliance and Lighting
PO Box 1449
Greenville SC 29602

12/16/11

In re Application of	:	
Thiyagarajan	:	DECISION ON PETITION
Application No. 12/986,410	:	TO MAKE SPECIAL UNDER
Filed: 1/7/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **244127/GECA-44**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/14/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1711 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 244460-1	Application Number (if known): 12/986427	Filing date: 2011-01-07

First Named Inventor: James Armstrong

Title: WATER DIVERTER VALVE AND RELATED DISHWASHER

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Allison W. Mages/	Date 2011-11-14
Name (Print/Typed) Allison W .Mages	Registration Number 57,275

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/986,427	01/07/2011	James Lee Armstrong	244460/GECA-46	6349

99491 7590 12/16/2011
Dority and Manning, P.A and General
Electric-Appliance and Lighting
PO Box 1449
greenville, SC 29602

EXAMINER
KO, JASON Y

ART UNIT	PAPER NUMBER
1711	

MAIL DATE	DELIVERY MODE
12/16/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Dority and Manning, P.A and General
Electric-Appliance and Lighting
PO Box 1449
Greenville SC 29602

12/16/11

In re Application of	:	
Armstrong et al.	:	DECISION ON PETITION
Application No. 12/986,427	:	TO MAKE SPECIAL UNDER
Filed: 1/7/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **244460/GECA-46**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/14/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1711 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/986,495	01/07/2011	Oscar LOZANO JR.	TP-LOZO-MMA2	6508

62439 7590 08/26/2011
SINORICA, LLC
19785 Crystal Rock Drive
Suite 207
Germantown, MD 20874

EXAMINER
ENAD, ELVIN GENARGUE

ART UNIT	PAPER NUMBER
2832	

NOTIFICATION DATE	DELIVERY MODE
08/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

MCHOW@SINORICA.COM
DOMINS@COMCAST.NET
SINORICA@GMAIL.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

SINORICA, LLC
19785 Crystal Rock Drive
Suite 207
Germantown MD 20874

AUG 26 2011

In re Application of	:	
LOZANO, OSCAR JR.	:	DECISION ON PETITION
Application No. 12/986,495	:	TO ACCEPT COLOR
Filed: January 07, 2011	:	DRAWINGS
Attorney Docket No. TP-LOZO-MMA2	:	

This is a decision on the petition under 37 CFR 1.84(a)(2), filed on January 28, 2011 to permit color drawings for the above-identified application.

The petition is **DISMISSED.**

A grantable petition under 37 C.F.R. 1.84(a)(2) requires submission of the following: 1) the appropriate fee set forth in 37 C.F.R. 1.17(h); 2) three sets of color drawings; and 3) the required text language in the first paragraph of the brief description of the drawings section of the specification set forth in 37 C.F.R. 1.84 (a)(2)(iii). The requirement for three sets of color drawings under 37 C.F.R. 1.84(a)(2)(ii) is not applicable to color drawings submitted via Electronic Filing System-Web ("EFS-Web"). Therefore, only one set of such color drawings is necessary when filing via EFS-Web.

The documents filed on January 28, 2011 do not comply with the requirement set forth in 37 C.F.R. 1.84(a)(2)(iii). The specification does not contain the required language in the first paragraph of the brief description of the drawings nor has an amendment been submitted including such language.

For reconsideration of this decision, applicant must amendment the specification to insert the required language as the first paragraph of the brief description of the drawings set forth in 37 C.F.R. 1.84(a)(2)(iii).

Telephone inquires concerning this decision should be directed to Elvin G. Enad at 571-272-1990.

Elvin G. Enad
For Supervisory Patent Examiner, Art Unit 2832
Technology Center 2800

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United States Patent and Trademark Office
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SINORICA, LLC
19785 Crystal Rock Drive
Suite 207
Germantown MD 20874

MAILED
FEB 17 2012
OFFICE OF PETITIONS

In re Application of
Oscar Lozano, Jr.,
Application No. 12/986,495
Filed: 01/07/2011
Attorney Docket Number
TP-LOZO-MM2

: DECISION ON PETITION

: *ACCEPTANCE OF COLOR DRAWINGS*

This is a decision on the renewed petition under 37 CFR 1.84(a)(2) received in the United States Patent and Trademark Office (USPTO) on October 13, 2011.

The petition is **GRANTED**.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore the petition is GRANTED.

The application is referred to Technology Center Art Unit 2832 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JEAN-PAUL CASS, ESQUIRE
THE CASS LAW FIRM, PC
ROCKEFELLER CENTER
1230 AVENUE OF THE AMERICAS
7TH FLOOR
NEW YORK, NY 10020

MAILED

MAR 26 2012

OFFICE OF PETITIONS

In re Application of	:	
Paul S. Paolini	:	
Application No. 12/986,516	:	DECISION ON PETITION
Filed: January 7, 2011	:	TO WITHDRAW
Attorney Docket No. PAOLINI-001-USU	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 27, 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 Jean-Paul Cass on behalf of all attorneys of record who are associated with this application. All attorneys/agents associated with this application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and 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.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: PAUL S. PAOLINI
436 LANCASTER AVENUE
LUNENBURG, MA 01461-1513

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/986,516	01/07/2011	Paul S. Paolini	PAOLINI-001-USU

CONFIRMATION NO. 6551

POWER OF ATTORNEY NOTICE

OC000000053175156

Jean-Paul Cass, Esquire
Rockefeller Center
7th Floor
1230 Avenue of the Americas
New York, NY 10020

Date Mailed: 03/16/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/27/2012.

- 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

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/968,525	12/15/2010	CHRISTIAN HAAG	243994-1 (22402-223)	2527

45432 7590 05/26/2011
PATRICK W. RASCHE (22402)
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105

EXAMINER
CUEVAS, PEDRO J

ART UNIT	PAPER NUMBER
2839	

NOTIFICATION DATE	DELIVERY MODE
05/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATRICK W. RASCHE (22402)
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis MO 63105

In re Application of	:	
HAAG et al.	:	DECISION ON PETITION
Application No. 12/968,525	:	TO MAKE SPECIAL UNDER
Filed: December 15, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 243994-1 (22402-223)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on May 19, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/986,556	01/07/2011	Belgacem Haba	TESSERA 3.0-589 II DIV II	6634

38091 7590 03/01/2011
TESSERA
LERNER DAVID et al.
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

ART UNIT	PAPER NUMBER
2826	

MAIL DATE	DELIVERY MODE
03/01/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Alexandria, VA 22313-1450
www.uspto.gov

TESSERA
LERNER DAVID et al.
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of	
HABA et al.	**: DECISION ON REQUEST TO**
Application No.: 12/986,556	**: PARTICIPATE IN THE PATENT**
Filed: 07 January 2011	**: PROSECUTION HIGHWAY**
Attorney Docket No.: TESSERA 3.0-589 II DIV II	**: PROGRAM AND PETITION**
For: MICROELECTRONIC	**: TO MAKE SPECIAL UNDER**
ASSEMBLY WITH IMPEDANCE ...	**: 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 18 January 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Regarding requirement 5, applicant has submitted a certificate of translation for "an Office Action" along with translations for two Office Actions. It is presumed that the certificate applies to both translations.

Any response must be submitted via EFS-Web.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Lee W. Young
TQAS
Technology Center 2800

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Alexandria, VA 22313-1450
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MANATT PHELPS AND PHILLIPS
ROBERT D. BECKER
1001 PAGE MILL ROAD, BUILDING 2
PALO ALTO CA 94304

MAILED
AUG 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Juan Carlos Marie Arlandis	:	DECISION ON PETITION
Application No. 12/986,571	:	TO WITHDRAW
Filed: January 7, 2011	:	FROM RECORD
Attorney Docket No. 44731-032	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed August 17, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Mike S. Ryu does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Mike S. Ryu not having power of attorney. See MPEP §§ 601.03 and 405. Additionally, currently there is no assignment or Statement under 37 CFR 3.73(b) of record in the instant application.

All future communications from the Office will continue to be directed to the address listed above until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/986,601	01/07/2011	Belgacem Haba	TESSERA 3.0-589 II DIV I	6762

38091 7590 03/01/2011
TESSERA
LERNER DAVID et al.
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

ART UNIT	PAPER NUMBER
2826	

MAIL DATE	DELIVERY MODE
03/01/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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TESSERA
LERNER DAVID et al.
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of	
HABA et al.	**: DECISION ON REQUEST TO**
Application No.: 12/986,601	**: PARTICIPATE IN THE PATENT**
Filed: 07 January 2011	**: PROSECUTION HIGHWAY**
Attorney Docket No.: TESSERA 3.0-589 II DIV I	**: PROGRAM AND PETITION**
For: MICROELECTRONIC	**: TO MAKE SPECIAL UNDER**
ASSEMBLY WITH IMPEDANCE ...	**: 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 18 January 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Regarding requirement 5, applicant has submitted a certificate of translation for "an Office Action" along with translations for two Office Actions. It is presumed that the certificate applies to both translations.

Any response must be submitted via EFS-Web.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Lee W. Young
TQAS
Technology Center 2800

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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THOMPSON COBURN LLP
ATTN: RICHARD E. HAFERKAMP
ONE U.S. BANK PLAZA
SAINT LOUIS MO 63101

MAILED
JAN 25 2011
OFFICE OF PETITIONS

In re Application of Stuart A. Solin, et al. Application No. 12/986,621 Filed: January 7, 2011 Attorney Docket No. 53047-94152	DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 7, 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, and will retain such in the application file record, showing that the inventor, Stuart A. Solin is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2811 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 57584/10-423	Application Number (if known): 12/986,657	Filing date: January 7, 2011
First Named Inventor: Aaron Alexander et al.		
Title: FLOW DISTRIBUTION OF GAS TURBINE EXHAUST USING WALLS SHAPED TO FACILITATE IMPROVED GAS FLOW		

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 [signature]	Date 3-21-11
Name (Print/Typed) James F. Lea, III	Registration Number 41143

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

X *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/986,657	01/07/2011	AARON ALEXANDER	57584/10-423	6868

22206 7590 04/21/2011
FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER

ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
04/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA OK 74103-3318

In re Application of	:	
ALEXANDER, AARON et al	:	DECISION ON PETITION
Application No. 12/986,657	:	TO MAKE SPECIAL UNDER
Filed: Jan. 7, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 57584/10-423	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March. 21, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner indicates that the claimed invention relates to reduction of pollutants. This is not convincing. For example, it is not clear how the claimed exhaust duct with a curved surface will provide and enhance the quality of the environment or contribute to energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is currently undergoing pre-examination processing. The application will be forwarded to the Technology Center Art Unit 3741 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): AARON ALEXANDER et al.

Application No.: 12/986,657

Filed: January 7, 2011

Title: FLOW DISTRIBUTION OF GAS TURBINE EXHAUST USING WALLS SHAPED TO FACILITATE IMPROVED GAS FLOW

Attorney Docket No.: 57584/10-423

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY MAILED APRIL 21, 2011

Sir:

A petition was filed March 21, 2011 pursuant to 37 CFR §1.102 to request special status under the green technology pilot program to accelerate examination of the application. This petition was dismissed in a Decision mailed April 21, 2011. Applicant respectfully requests reconsideration and grant of the petition.

Basis for Dismissal

The Decision found the requirements of Item #4 (including a statement identifying the basis for the special status) to not have been met by the petition. The Decision stated that, "[A]pplicant 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 of the special status of the invention."

The attached Revised Statement of Special Status by Inventors contains the following statement pertaining to the materiality standard: "The basis for Special Status is energy conservation".

The Decision further states that, "Petitioner indicates that the claimed invention relates to reduction of pollutants. This is not convincing."

The Revised Statement of Special Status by Inventors does not rely upon the reduction of pollutants as a condition for being awarded special status.

Applicant believes that deficiencies have been corrected by the attached Revised Statement of Special Status by Inventors.

It is submitted that all of the elements set forth in 37 CFR §1.102 have now been fully satisfied in this Request for Reconsideration. It is requested that this petition be granted and that the presented claims be examined as soon as possible.

Respectfully submitted,

Date: 5-20-11 By: _____

James F. Lea, III, Registration No. 41143
Attorney for Applicant
Fellers, Snider, Blankenship, Bailey & Tippens
321 S. Boston Ave., Suite 800
Tulsa, OK 74103
Telephone: 918-599-0621
Fax: 918-583-9659
Customer No. 22206

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): AARON ALEXANDER et al.

Application No.: 12/986,657

Filed: January 7, 2011

Title: FLOW DISTRIBUTION OF GAS TURBINE EXHAUST USING WALLS SHAPED TO FACILITATE IMPROVED GAS FLOW

Attorney Docket No.: 57584/10-423

REVISED STATEMENT OF SPECIAL STATUS BY INVENTORS

We, Aaron Alexander, Laquinnia Lawson, and Richard King, state that the above referenced application and invention materially contributes to the more efficient utilization and conservation of energy. The basis for Special Status is energy conservation.

The invention will improve the efficiency and reduce the cost of gas turbine operation and construction as follows:

1. The improved distribution of gas flow resulting from the invention reduces the pressure drop of the gas turbine exhaust system. A reduced pressure drop allows the gas turbine to produce more power or consume less fuel for the same amount of power.

2. Applicants have conducted CFD models on example systems to understand the effect the use of the curved wall has on fuel consumption, power output, and gas turbine efficiency. In a typical exhaust system attached to a General Electric LM 6000PC gas turbine, the use of the curved wall transition reduced the static pressure drop of the exhaust system from 4.52 inches water column for the straight wall transition down to 3.75 inches water column for the proposed curved wall transition. This kind of pressure drop can result in a large efficiency improvement in

the gas turbine, which results in increased electricity created for reduced fuel usage, i.e., results in energy conservation. As a reference example, GE reports for their MS7000EA turbine that a 4" decrease in the exhaust pressure drop produces a 0.42% increase in output power.

Assuming a linear relationship, this means that for the LM6000PC example system, Applicants' introduction of the curved wall transition will result in almost a 0.1% power increase. It is believed that, over the next five years, approximately 10,000 MW of gas turbine capacity will be installed in North America. Using Applicants' curved wall transition ducts, these units would generate an additional 10 MW of power. Such an increase would result in a decrease in fuel used equivalent to the installation of a small wind farm.

We hereby declare under penalty of perjury that all statements made herein of our own knowledge are true and correct, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed by the undersigned on the date indicated.

5/20/11
AARON ALEXANDER Date

5/20/11
LAQUINNIA LAWSON, JR. Date

Richard King 5/20/11
RICHARD KING Date

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.
12/986,657	01/07/2011	AARON ALEXANDER	57584/10-423	6868

22206 7590 06/16/2011
FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER
GARTENBERG, EHUD

ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
06/16/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA OK 74103-3318

In re Application of	:	
ALEXANDER, AARON	:	DECISION ON PETITION
Application No. 12/986657	:	TO MAKE SPECIAL UNDER
Filed: January 7, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 57584/10-423	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed May 20, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable

energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3741 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED
JUN 03 2011
OFFICE OF PETITIONS

In re Application of	:	
Rohatschek, et al.	:	
Application No. 12/986,730	:	DECISION
Filed/Deposited: 7 January, 2011	:	
Attorney Docket No. 10191/6690	:	

This is a decision on the petition filed on 11 March, 2011, seeking to have accorded a filing date of 7 January, 2011, for the above-identified application based upon a showing that the omitted drawing/figures were present in the prior-filed application to which this application claimed benefit (pursuant to 37 C.F.R. §1.78 and/or §1.55) on deposit.

The petition is **GRANTED**.

The instant application was deposited on 7 January, 2011.

On 20 January, 2011, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because it had been deposited without at least one claim as required under 35 U.S.C. §112 (first sentence).

The Office indicated that Petitioner could:

- demonstrate on petition the presence of at least one claim by presentation of evidence of deposit (e.g., date-stamped receipt card, EFS Acknowledgement Receipt); or
- submit at least one claim and accept the date of submission as the filing date.

The Office gave Petitioner two (2) months within which to reply.

On 11 March, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.57, seeking a filing date of 7 January, 2011, for the application.

Petitioner appears to have filed a copy of the German-language priority document Application DE102010000871.0, filed on 13 January, 2010, which was present on deposit of the application, and a translation (which was not present on deposit) with an amendment under the rule—any determination as to that amendment will be made by the Examiner.

Petitioner further submitted:

- a petition averring incorporation by reference of German-language priority document Application DE102010000871.0, filed on 13 January, 2010, which was present on deposit of the application to which priority is claimed;
- petition fee/fee authorization;
- a preliminary amendment with a certified translation, and pointed to German-language priority document Application DE102010000871.0, filed on 13 January, 2010, which was present on deposit of the application to which priority was claimed expressly on deposit in the transmittal.

Consideration turns to the merits of the §1.57 petition.

The regulations at 37 C.F.R. §1.57 provide that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under §1.55 for priority of a prior-filed foreign application, or a claim under §1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under §1.55 or §1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> > (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by §1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
> >
> > (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. §111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

***

(3) If an application is not otherwise entitled to a filing date under §1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in §1.17(f).

The instant application was filed after September 21, 2004, and thus, the provisions of 37 C.F.R. §1.57(a) are applicable.

ANALYSIS

Petitioner filed a petition on 11 March, 2011, with: fee, and pointed to German-language priority document Application DE102010000871.0, filed on 7 January, 2010, to which priority was claimed expressly on deposit in the transmittal, a preliminary amendment and certified translation, and Petitioner identified where the inadvertently omitted materials can be found in the prior-filed application. Thus, a preliminary amendment to add the inadvertently omitted material is required and appears to have been submitted contemporaneously with the petition.

CONCLUSION

Accordingly, the petition is **granted**.

This application is being forwarded to the Office of Patent Application Processing (OPAP) formerly Office of Initial Patent Examination (OIPE), for further processing, with the filing date of 7 January, 2011, using the application papers present on that date, and preliminary amendment submitted on 11 March, 2011.

Application No. 12/986,730

Any questions concerning this matter may be directed to John Gillon at (571) 272-3214.

All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

BAKER DONELSON BEARMAN, CALDWELL & BERKOWITZ, PC
920 Massachusetts Ave, NW
Suite 900
WASHINGTON DC 20001

MAILED
OCT 11 2011
OFFICE OF PETITIONS

In re Application of	:	
William GREEN	:	ON PETITION
Application No. 12/986,816	:	
Filed: January 7, 2011	:	
Atty. Docket No.: 2912943-025001		

This is in response to the petition under 37 CFR 1.47(b), filed August 26, 2011.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extension of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest; and
(6) proof of irreparable damage.

The instant petition lacks item (1).

Item (1) requires that 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

indication herein that non-signing inventor William Green was presented with a copy of the complete application papers for this application, or that he was not available via online searching. From the evidence provided with the instant petition, it appears that the non-signing inventor was presented with only an oath/declaration. If the non-signing inventor was not presented with a copy of application papers for this application, then the non-signing inventor could not attest that they have "reviewed and understand the application papers" and could not execute the declaration he was requested to sign. The fact that an application may contain proprietary information does not relieve the rule 47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. Unless petitioner can show that a copy of the application papers was presented to the inventor, then petitioner will have to mail a copy of the complete application papers to the last known address of the inventor, 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.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

Rajneesh Krishnamurthy

for Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

BAKER DONELSON BEARMAN, CALDWELL & BERKOWITZ, PC
920 Massachusetts Ave, NW
Suite 900
WASHINGTON DC 20001

MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Application of	:	
William GREEN	:	ON PETITION
Application No. 12/986,816	:	
Filed: January 7, 2011	:	
Atty. Docket No.: 2912943-025001		

This is in response to the renewed petition under 37 CFR 1.47(b), filed December 9, 2011.

The petition is **GRANTED**.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest; and
(6) proof of irreparable damage.

Petitioner has shown that the non-signing inventor William Green refuses to sign after having been presented with the application papers. The application and papers have been received and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 47 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 that petition. Notice of the filing of this application will be published in the Official Gazette.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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William Green
200 E. King Street #3
Martinsburg, WV 25401

MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Application of
William Green
Application No. 12/986,816
Filed: January 7, 2011
For: WATER TREATMENT APPARATUS AND METHOD FOR USING SAME

Dear Mr. Green:

You are named as the inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the inventor.

As 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 Robert DeWitty at 001-(571) 272-8427. Requests for information regarding your application should be directed to the File Information Unit at 001-(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 001-(571) 272-3150.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **BAKER DONELSON BEARMAN, CALDWELL & BERKOWITZ, PC**
920 Massachusetts Ave, NW
Suite 900
WASHINGTON DC 20001

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Inverness Medical Innovations / WSGR
Wilson Sonsini Goodrich & Rosati, P.C.
650 Page Mill Road
Palo Alto CA 94304

MAILED
SEP 02 2011
OFFICE OF PETITIONS

In re Application of :
Kenneth F. BUECHLER et al. :
Application No. 12/986,893 : ON PETITION
Filed: January 7, 2011 :
Attorney Docket No. 36671-726.305 :

This is a decision on the petition under 37 CFR 1.59(b), filed August 8, 2011, to expunge information from the above identified application.

The petition is **DISMISSED** as moot.

Petitioner respectfully request that documents submitted on August 5, 2011, namely a Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, a Statement Regarding Sequence Submission, and a Sequence Listing (Attorney Docket No. 32055-703.302), be expunged from the current application file. The information was unintentionally submitted to the file of the current application, however the documents were intended for submission in U.S. Application No. 13/007,477.

As set forth in MPEP 502:

> A minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number.

As set forth in MPEP 724.05(III):

> Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g., application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

Application No. 12/986,893

The documents filed August 5, 2011 include the Applicant's name, Application Serial No., attorney docket number, title of invention, and filing date, all of which are associated with Application No. 13/007,477.

In view of the above, the documents filed August 5, 2011 will be removed from the application file, and no fee will be charged.

Telephone inquiries concerning this decision should be directed to Andre Boyce at (571) 272-6726, or in his absence, the undersigned at (571) 272-7099.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/986,903	01/07/2011	Dae Sung KANG	3449-1607PUS1	7349

2292 7590 02/24/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
02/24/2011	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):

mailroom@bskb.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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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of
Dae Sung KANG
Application No.: 12/986,903
Filed: 07 January 2011
Attorney Docket No.: 3449-1607PUS1
For: LIGHT EMITTING DEVICE, METHOD OF MANUFACTURING LIGHT EMITTING DEVICE, LIGHT EMITTING DEVICE PACKAGE, AND LIGHTING SYSTEM

: 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 11 January 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Any response must be submitted via EFS-Web.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Lee W. Young
TQAS
Technology Center 2800

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: GEVO-043/01US 310142-2208	Application Number (if known): 12/986,918	Filing date: January 7, 2011

First Named Inventor: Matthew W. PETERS

Title: INTEGRATED METHODS OF PREPARING RENEWAL CHEMICALS

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature	Date May 23, 2011
Name (Print/Typed) William E. Brow	Registration Number 64,209

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No. GEVO-043/01US (310142-2208) PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Matthew W. PETERS *et al.* Confirmation No.: 7389

Serial No.: 12/986,918 Group Art Unit: 1771

Filed: January 7, 2011 Examiner: *To Be Assigned*

For: **INTEGRATED METHODS OF PREPARING RENEWABLE CHEMICALS**

VIA EFS-WEB

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL

STATEMENT OF SPECIAL STATUS AND REQUEST TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM

SIR,

Submitted herewith is a completed USPTO form PTO/SB/420 and a Petition to Make Special Pursuant to the Federal Register Notice of December 8, 2009, Vol. 74, No. 234, pp. 64666-8, to participate in the Green Technology Pilot Program as described in said Notice.

The above-referenced application has been not yet been published. In accordance with the requirements for the Pilot Program, please charge Deposit Account No. 50-1283 for the publication fee set forth in 37 CFR 1.18(d).

Applicants submit that the application is directed to a single invention that relates to the production of renewable, non-petroleum-derived chemical feedstocks and/or components for renewable fuel blends from renewable isobutanol and renewable ethanol (e.g., provided by the fermentation of biomass-derived carbohydrates), and as such, the claimed invention materially contributes to the discovery or development of renewable energy resources,

reduced the need for petroleum-derived fuels and materials, enhances the quality of the environment and results in a more efficient utilization and conservation of energy resources.

If participation in the Green Technology Pilot Program is granted, Applicants hereby agree to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement if the Office determines that the claims are not directed to a single invention.

Filed concurrently with this petition is a preliminary amendment in compliance with 37 C.F.R. § 121. After entry of the preliminary amendment submitted herewith, the present application will contain no more than three independent claims, no more than twenty total claims, and will not contain any multiple dependent claims.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: May 23, 2011

Respectfully submitted,
COOLEY LLP

By: _____
William E. Brow, Ph.D.
Reg. No. 64,209

COOLEY LLP
ATTN: Patent Group
777 6th Street NW, Suite 1100
Washington, DC 20001

Tel: 202-842-7800
Fax: (202) 842-7899

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.
12/986,918	01/07/2011	Matthew W. PETERS	GEVO-043/01US(310142-2208	7389

58249 7590 06/20/2011
COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

EXAMINER
CALDAROLA, GLENN A

ART UNIT	PAPER NUMBER
1771	

MAIL DATE	DELIVERY MODE
06/20/2011	PAPER

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COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

6/20/11

In re Application of	:	
PETERS, MATTHEW W. et al	:	DECISION ON PETITION
Application No. 12/986,918	:	TO MAKE SPECIAL UNDER
Filed: 01/07/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No.	:	PILOT PROGRAM
GEVO-043/01US(310142-2208		

This is a decision on the petition under 37 CFR 1.102, filed May 23, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1771 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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MAILED
MAY 27 2011
OFFICE OF PETITIONS

Cislo & Thomas LLP
1333 2nd Street
Suite #500
Santa Monica CA 90401-4110

In re Application of	:	
KNAPP et al.	:	
Application No. 12/986,985	:	DECISION DISMISSING PETITIONS
Filed: January 7, 2011	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 10-24494	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 3, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED AS MOOT**.

The petition is unnecessary for the amendment was timely submitted within the time period set out in 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) and therefore a petition is not required.

However, it should be noted that the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application is not proper.

The reference to add Provisional Application Serial No. 61/293,430 in the first sentence of the specification on page two in paragraph 0001 is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

In regards to the $130.00 petition fee charged, petitioner's deposit account no. 03-2030 will be refunded. This petition fee is unnecessary for the amendment was timely submitted within the required time period.

Any questions concerning this decision may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3621 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/986,985	01/07/2011	3621	579	10-24494	22	3

CONFIRMATION NO. 7542

CORRECTED FILING RECEIPT

OC000000047928052

25189
Cislo & Thomas LLP
1333 2nd Street
Suite #500
Santa Monica, CA 90401-4110

Date Mailed: 05/27/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Jason J.A. Knapp, Solana Beach, CA;
Fabrizio Blanco, Los Angeles, CA;

Power of Attorney: The patent practitioners associated with Customer Number 25189

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/293,430 01/08/2010
and is a CIP of 11/959,385 12/18/2007
which claims benefit of 60/876,026 12/19/2006

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 01/24/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/986,985**

Projected Publication Date: 07/14/2011

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

CONTENT SECURITY FOR REAL-TIME BIDDING

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/987,000	01/07/2011	Robert Mahaffey	14572P-086611US	7569

20350 7590 03/15/2011
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

ART UNIT	PAPER NUMBER
3637	

NOTIFICATION DATE	DELIVERY MODE
03/15/2011	ELECTRONIC

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The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com
ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com

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MAR 14 2011

Kilpatrick Townsend & Stockton LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

In re application of Mahaffey et al. Application No. 12/987,000 Filed: January 7, 2011 Atty Docket No. 14572P-086611US For: SECURITY APPARATUS INCLUDING ATTACHMENT DEVICE	: : : : : : :	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

This is a decision on the petition filed on January 7, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support

under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with condition II.5.2.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. Specifically, with respect to the classification search, in addition to the areas already searched, the search needs to include a search of 70/34 and 229-232.

The prior art cited by the applicants are directed to a cable lock for an electronic component. However, it should be noted that at least claim 1 is directed to a security apparatus; the portable electronic component is not positively claimed. Accordingly, per condition II.5.2, the preexamination search is to be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

In order to provide an adequate search applicant is required to submit an accelerated examination support document (AESD) that includes an IDS in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims (whether in independent or dependent form). Specifically:

(1) Applicant **is not** required to cite the references that are only relevant to the general subject matter of the claims because there are references that are more closely related to the subject matter of the claims. Applicant is also not required to cite a reference that is cumulative to any other reference cited in the IDS.

(2) Applicant **is** required to cite any reference that establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim (see 37 CFR 1.56(b)) in the IDS of the AESD.

(3) Applicant **is** required to cite the reference that discloses the most limitations in the independent claim.

(4) Applicant **is** required to cite any reference that discloses a limitation of an independent claim that is not shown in the other references.

(5) Applicant **is** required to cite any reference that discloses a limitation of a dependent claim that is not shown in the other references.

Accordingly, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Teri Luu at (571) 272-7045.

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

TL/tl: 03/11/11

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/987,000	01/07/2011	Robert Mahaffey	14572P-086611US	7569

20350 7590 04/22/2011
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
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SAN FRANCISCO, CA 94111-3834

EXAMINER

ART UNIT	PAPER NUMBER
3637	

NOTIFICATION DATE	DELIVERY MODE
04/22/2011	ELECTRONIC

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jlhice@kilpatrick.foundationip.com

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APR 2 1 2011

Kilpatrick Townsend & Stockton LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

In re application of Mahaffey et al. Application No. 12/987,000 Filed: January 7, 2011 Atty Docket No. 14572P-086611US For: SECURITY APPARATUS INCLUDING ATTACHMENT DEVICE	: : : : : : :	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

This is a decision on the petition filed on April 14, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support

under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with condition II.5.2.

With respect to the preexamination search, there is a requirement that applicant perform both a classification search as well as a text search. The two **separate** requirements ensure that a complete and thorough search of the claimed invention has been performed. In the preexamination search dated January 7, 2011 and April 14, 2011, although applicant performed a classification search, none of the search results were analyzed (e.g., "***Number of hits***: 84944, ***Analyzed***: None"). It is not until a text search in combination with the classification search was performed, were the search results analyzed (e.g., "***Number of hits***: 99, ***Analyzed***: All"). A classification search in combination with a text search does not meet the requirements of a sufficient preexamination search. An acceptable preexamination search must include a classification search which is **separate** from the text search.

Accordingly, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Teri Luu at (571) 272-7045.

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/987,000	01/07/2011	Robert Mahaffey	85684-789733(086611US)	7569

20350 7590 06/01/2011
KILPATRICK TOWNSEND & STOCKTON LLP
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EXAMINER

ART UNIT	PAPER NUMBER
3637	

NOTIFICATION DATE	DELIVERY MODE
06/01/2011	ELECTRONIC

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jlhice@kilpatrick.foundationip.com

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JUN 0 1 2011

Kilpatrick Townsend & Stockton LLP
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Eighth Floor
San Francisco, CA 94111-3834

In re application of Mahaffey et al. Application No. 12/987,000 Filed: January 7, 2011 Atty Docket No. 14572P-086611US For: SECURITY APPARATUS INCLUDING ATTACHMENT DEVICE	: : : : : : :	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

This is a decision on the renewed petition filed on May 19, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Teri P. Luu, at (571) 272-7045.

/Teri P. Luu/

Teri P. Luu
Special Program Examiner
Technology Center 3600

05/31/11

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KILPATRICK TOWNSEND & STOCKTON, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED
APR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Tony Day	:	
Application No. 12/987,022	:	DECISION ON PETITION
Filed: January 7, 2011	:	TO WITHDRAW FROM
Attorney Docket No. 026808-002840US	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed March 31, 2011.

The request is APPROVED.

The request was signed by David A. Hall on behalf of himself and all the attorneys/agents associated with Customer Number 20350. Therefore, David A. Hall and all the attorneys/agents associated with Customer Number 20350 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

All future communications from the Office will be directed to the intervening assignee who complied with the requirements of 37 CFR 3.73(b) at the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: American Power Conversion Corporation c/o Shane Hunter
Gilman Clark, LLC
176 Federal Street, 4th Floor
Boston, MA 02110

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/987,022	01/07/2011	Tony Day	026808-002840US

CONFIRMATION NO. 7610

POWER OF ATTORNEY NOTICE

20350
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

"OC000000047210885"

Date Mailed: 04/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/31/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/987,140	01/09/2011	Sitaramarao Srinivas Yechuri		7908

7590 12/20/2011
Sitaramarao Srinivas Yechuri
3823 Old Village Way
Oldsmar, FL 34677

EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
12/20/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Kalethis Buchanan

Patent Publication Branch
Office of Data Management

02 FC:2111 -270.00 OP

Refund Ref:
12/21/2011 0030105650

Credit Card Refund Total: $270.00

Master C: XXXXXXXXXXXX1981

FORM PET651G (Rev. 08/07)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : March 30, 2012

TO SPE OF : ART UNIT 1626
SUBJECT : Request for Certificate of Correction for Appl. No.: 12/987187 Patent No.: 8124604

Co f C mailroom date: 03-14-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

_____

Magdalene Talley
Certificates of Correction Branch
571-272-0423 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

/Joseph K. McKane/ — **SPE**

1626 — **Art Unit**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/987,203	01/10/2011	Robert Vernon Fulcher	2009P09921US	8056

22116 7590 04/06/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

ART UNIT	PAPER NUMBER
2838	

MAIL DATE	DELIVERY MODE
04/06/2011	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.

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
Fulcher et al.
Application No.: 12/987,203
Filed: 10 January 2011
Attorney Docket No.: 2009P09921US
For: METHOD AND CONTROL SYSTEM FOR CONTROLLING POWER CONVERSION IN A POWER CONVERTER

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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 15 February 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

Conditions (1)-(2), and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the allowable claims in the EPO PCT application. Specifically, claim 8 of the EPO application requires "the communication link is a serial communication link" but this limitation is not required in claim 24 of the US application. The removal of this limitation changes the scope of the allowed claims.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) 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 - 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.
12/987,203	01/10/2011	Robert Vernon Fulcher	2009P09921US	8056

22116 7590 04/26/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

ART UNIT	PAPER NUMBER
2838	

MAIL DATE	DELIVERY MODE
04/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of
FULCHER et al.
Application No.: 12/987,203
Filed: 10 January 2011
Attorney Docket No.: 2009P09921US
For: METHOD AND CONTROL SYSTEM FOR CONTROLLING POWER CONVERSION IN A POWER CONVERTER

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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 15 February 2011 and renewed on 18 April 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
NOV 07 2011
OFFICE OF PETITIONS

NAVAL RESEARCH LABORATORY
ASSOCIATE COUNSEL (PATENTS)
CODE 1008.2
4555 OVERLOOK AVENUE, S.W.
WASHINGTON DC 20375-5320

In re Application of	:	
David Mott et al.	:	
Application No. 12/987,251	:	DECISION ON PETITION
Filed: January 10, 2011	:	
Attorney Docket No. 96792-US3	:	

This is a decision on the petitions under the unintentional provisions of 37 CFR 1.137(b), filed October 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed January 26, 2011. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 27, 2011. The Notice of Abandonment was mailed on October 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of substitute specification, (2) the petition fee of $1,860, (3) a proper statement of unintentional delay. Accordingly the substitute specification is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the replies received October 14, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MAILED
JUL 19 2011
OFFICE OF PETITIONS

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	:	
Nadarajah Narendran, et al.	:	
Application No. 12/987,312	:	NOTICE
Filed: January 10, 2011	:	
Attorney Docket No. RPI-145US1	:	

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 the undersigned at (571) 272-3213.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-EP (01-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/987,330	Filing date:	January 10, 2011
First Named Inventor:	Khosrow Parviz Mohammadi		
Title of the Invention:	SOFT AND STRONG FIBROUS STRUCTURE AND METHODS FOR MAKING 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.

The corresponding PCT application number(s) is/are: PCT/US2011/020648

The international date of the corresponding PCT application(s) is/are: January 10, 2011

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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.:	12/987,330
First Named Inventor:	

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1, 3	U.S. Claim 1 has the same scope as Claims 1 and 3 of the PCT application.
2-4, 11, 12, 14-20	1, 3	These claims are dependent from U.S. Claim 1. U.S. Claim 1 is discussed above.
13	6	U.S. Claim 13 has the same scope as Claim 6 of the PCT application.
36	1, 6	U.S. Claim 36 has the same scope as Claims 1 and 6 of the PCT application.
37	1, 6	U.S. Claim 37 depends from U.S. Claim 36. U.S. Claim 36 is discussed above.
38	12	U.S. Claim 38 has the same scope as Claim 12 of the PCT application and depends from U.S. Claim 36.
39	1, 12	U.S. Claim 39 has the same scope as Claims 1 and 12 of the PCT application.
40-46	1, 12	These claims are dependent from U.S. Claim 39. U.S. Claim 39 is discussed above.
47	6	U.S. Claim 47 has the same scope as Claim 6 of the PCT application and depends from U.S. Claim 39.
48-54	1, 12	These claims are dependent from U.S. Claim 39. U.S. Claim 39 is discussed above.

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 /Christian M. Best/	Date May 31, 2011
Name (Print/Typed) Christian M. Best	Registration Number 49,082

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.

CENTRAL DOCKETING
DATE REC'D

MAY 17 2011

ATTY/A&T CONTACT
☐ FAX ☐ MAIL ☐ FILE

PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL SEARCHING AUTHORITY

To:
Hughett, Eileen L.
The Procter & Gamble Company
Global Patent Services
Sycamore Building, 4th Floor
299 East Sixth Street
Cincinnati, OH 45202
ETATS-UNIS D'AMERIQUE

CMB

COPE: PTW (PPII)

CMB, LB

SCAN

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)*	6 May 2011 (06-05-2011)
Applicant's or agent's file reference 11568-CB	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/US2011/020648	International filing date *(day/month/year)* 10 January 2011 (10-01-2011)
Applicant THE PROCTER & GAMBLE COMPANY	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:
The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Fascimile No.: (41-22) 338.82.70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before completion of the technical preparations for international publication (Rules 90*bis*.1 and 90*bis*.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax (+31-70) 340-3016	DUFFY, Lorraine Tel: +49 (0)89 2399-5431

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 11568-CB	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US2011/020648	International filing date *(day/month/year)* 10/01/2011	(Earliest) Priority Date *(day/month/year)* 14/01/2010
Applicant THE PROCTER & GAMBLE COMPANY		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

[X] It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the **language**, the international search was carried out on the basis of:
      [X] the international application in the language in which it was filed
      [ ] a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. [ ] This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. [ ] With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. [ ] **Certain claims were found unsearchable** (See Box No. II)
3. [ ] **Unity of invention is lacking** (see Box No III)
4. With regard to the **title**,
   [X] the text is approved as submitted by the applicant
   [ ] the text has been established by this Authority to read as follows:
5. With regard to the **abstract**,
   [X] the text is approved as submitted by the applicant
   [ ] the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority
6. With regard to the **drawings**,
   a. the figure of the **drawings** to be published with the abstract is Figure No. _____
      [ ] 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. [X] none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2011/020648

A. CLASSIFICATION OF SUBJECT MATTER
INV. A61F13/00 A61F13/15 D21H13/00 D21H15/00
ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
A61F D21H

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 2008/010187 A2 (PROCTER & GAMBLE [US]; VINSON KENNETH DOUGLAS [US]; WATKINS ERIC JAMES) 24 January 2008 (2008-01-24)	1,2,4,5, 7-11,13
A	page 1, paragraph 1 page 2, paragraph first full onwards page 3, last paragraph - page 4, paragraph third full page 8, paragraph second full -----	3,6,12
A	WO 00/59439 A1 (PROCTER & GAMBLE [US]; NOEL JOHN RICHARD [US]; HASSE MARGARET HENDERSO) 12 October 2000 (2000-10-12) page 3, line 24 - page 3, line 31 -----	1-13
A	WO 2007/091216 A1 (PROCTER & GAMBLE [US]; MANIFOLD JOHN ALLEN [US]; VINSON KENNETH DOUGLA) 16 August 2007 (2007-08-16) claim 1 -----	1-13

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the International filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed Invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
6 April 2011	06/05/2011

Name and mailing address of the ISA/	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL – 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Gennari, Silvia

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/US2011/020648

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 2008010187 A2	24-01-2008	CA 2657806 A1	24-01-2008
		EP 2049732 A2	22-04-2009
		US 2008014428 A1	17-01-2008
WO 0059439 A1	12-10-2000	AU 4224000 A	23-10-2000
		CA 2369604 A1	12-10-2000
		EP 1165000 A1	02-01-2002
		JP 2004538024 T	24-12-2004
WO 2007091216 A1	16-08-2007	CA 2642085 A1	16-08-2007
		EP 2179088 A1	28-04-2010
		US 2007187055 A1	16-08-2007

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2011/020648	10.01.2011	14.01.2010

International Patent Classification (IPC) or both national classification and IPC
INV. A61F13/00 A61F13/15 D21H13/00 D21H15/00

Applicant
THE PROCTER & GAMBLE 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 and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:

European Patent Office

D-80298 Munich
Tel. +49 89 2399 - 0

Date of completion of this opinion

see form PCT/ISA/210

Authorized Officer

Gennari, Silvia

Telephone No. +49 89 2399-7167

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2011/020648

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	3, 6, 12
	No:	Claims	1, 2, 4, 5, 7-11, 13
Inventive step (IS)	Yes:	Claims	3, 6, 12
	No:	Claims	1, 2, 4, 5, 7-11, 13
Industrial applicability (IA)	Yes:	Claims	1-13
	No:	Claims	

2. Citations and explanations

   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

Re. Item VIII

1 The application does not meet the requirements of Article 6 PCT, because claims 1-13 are not clear.

1.1 The subject-matter of independent claim 1 simply states that the content in softwood fibers of the structure must be lower than 20 % by weight, which, according to the description on page 1, is a long-wanted result in the technical field, in order to achieve tissue with high strength but also enhanced softness. The **technical features** which clarify how the strength is maintained in the present case though less softwood fibers are used are however missing from the wording of the claim. In other words, the entire formulation of the claim might be seen as a result to be achieved, since it is only stated that less softwood fibers are used but it is not at all explained how and why the present structure should behave differently from the prior art structures with low content of softwood and maintain its strength. How, in terms of clear technical features, is the strength of the tissue not affected though less softwood fibers are used? Such features (e.g. the kind of softwood fibers used) are seen by the Examiner as essential features and should have been present in the wording of the independent claim.

1.2 Claim 4 in its entire formulation does not meet the requirements of Article 6 PCT because the matter for which protection is sought is not clearly defined. The claim attempts to define the subject-matter in terms of the result to be achieved, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result.

1.3 According to the Guidelines PCT C-II, 5.40, expressions like "preferably" should be avoided, as they introduce ambiguity in the definition of the subject-matter, giving no limitation to the scope of the claim.

Re. Item V

2 Furthermore, the above-mentioned lack of clarity notwithstanding, the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT, and the criteria of Article 33(1) PCT are therefore not met.

Prior art D1 discloses (page 1, paragraph 1; page 2, paragraph first full onwards; page 3, last paragraph - page 4, paragraph third full; page 8, paragraph second full): a layered fibrous structure exhibiting a basis weight of from 10 to 120 g/m^2, wherein the fibrous structure comprises greater than 50% by weight on a dry fiber basis of pulp fibers, wherein greater than 0% but less than 10% by weight on a dry fiber basis of the pulp fibers are softwood fibers (in D1, the long fibers).

Prior art D1 hence comprises all the features of claim 1.

3 The same passages cited for the independent claim 1 also appear to be relevant for dependent claims 2, 4, 5, 7, 8, 9, 10, 11 and 12.

4 The features of dependent claims **3**, 6 and 12 are not known as such from the available prior art.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.
Amending claims under Art. 19 PCT	Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.
Filing a demand for international preliminary examination	In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT). If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).
Filing informal comments	After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.
End of the international phase	At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).
Relevant PCT Rules and more information	Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003

CLAIMS – PCT/US 2011/020648

1. A layered fibrous structure exhibiting a basis weight of from 10 to 120 g/m^2, wherein the fibrous structure comprises greater than 50% by weight on a dry fiber basis of pulp fibers, and wherein greater than 0% but less than 20% by weight on a dry fiber basis of the pulp fibers are softwood fibers.

2. The fibrous structure according to Claim 1, wherein the fibrous structure comprises greater than 75%, preferably greater than 90%, more preferably 100% or less by weight on a dry fiber basis of pulp fibers.

3. The fibrous structure according to Claim 1 or 2, wherein the pulp fibers comprise trichome fibers, preferably wherein one or more of the trichome fibers are derived from a plant in the *Stachys* genus, more preferably wherein one or more of the trichome fibers is derived from a plant *Stachys byzantina*.

4. The fibrous structure according to Claim 3, wherein the fibrous structure exhibits a softness (PSU) increase of at least 0.5 compared to the fibrous structure without the trichome fibers.

5. The fibrous structure according to any of the preceding claims, wherein the pulp fibers comprise hardwood fibers, preferably wherein the hardwood fibers comprise tropical hardwood fibers, more preferably wherein the tropical hardwood fibers are selected from the group consisting of: eucalyptus fibers, acacia fibers, and mixtures thereof, preferably wherein the fibrous structure comprises less than 50% by weight on a dry fiber basis of hardwood fibers.

6. The fibrous structure according to any of Claims 1 to 4, wherein the fibrous structure is void of hardwood fibers.

7. The fibrous structure according to any of the preceding claims, wherein the softwood fibers comprise northern softwood kraft fibers and/or southern softwood kraft fibers.

8. The fibrous structure according to any of the preceding claims, wherein the fibrous structure further comprises one or more synthetic fibers.

9. The fibrous structure according to any of the preceding claims, wherein the fibrous structure comprises a softening agent, preferably wherein the softening agent is selected from the group consisting of: quaternary ammonium compounds, silicones and mixtures thereof.

10. The fibrous structure according to any of the preceding claims, wherein the fibrous structure exhibits a basis weight of greater than 21 g/m^2.

11. The fibrous structure according to any of the preceding claims, wherein the fibrous structure is a through-air-dried fibrous structure.

12. The fibrous structure according to any of the preceding claims, wherein the weight ratio of softwood fibers to non-softwood fibers within the fibrous structure is less than 1:4.

13. A single or multi-ply sanitary tissue product comprising a fibrous structure according to any of the preceding claims.

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.
12/987,330	01/10/2011	Khosrow Parviz Mohammadi	11568	8328

27752 7590 06/30/2011
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

EXAMINER
DANIELS, MATTHEW J

ART UNIT	PAPER NUMBER
1741	

MAIL DATE	DELIVERY MODE
06/30/2011	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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

6/30/11

CT

In re application of Khosrow Parviz Mohammadi Serial No. 12/987,330 Filed: January 10, 2011 For: SOFT AND STRONG FIBROUS STRUCTURES AND METHODS FOR MAKING 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 PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed May 31, 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

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 April 18, 2011.

/Steven W. Benintendi/ April 18, 2011
Steven W. Benintendi Date
Reg. No. 56,297

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Jörg Wadehn
Serial No.:	12/987,596
Filed:	January 10, 2011
Group Art Unit:	3745
Examiner:	Unknown
Confirmation No.:	8846
Title:	PLAIN BEARING FOR A WIND TURBINE BLADE AND METHOD OF OPERATING A WIND TURBINE HAVING SUCH A PLAIN BEARING
Attorney Docket:	VWS-193US

Cincinnati, Ohio 45202 April 18, 2011

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

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 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 the 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 plain bearings for a wind turbine blade and methods and system of operating a wind turbine having such a plain bearing. 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 the claims contained in this application are respectfully requested.

Applicant does not believe that any fees are due in connection with 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 of fees associated with this communication or credit any over-payment to Deposit Account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/Steven W. Benintendi/
Steven W. Benintendi
Reg. No. 56,297

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 421-7269 (facsimile)

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: VWS-193US	Application Number (if known): 12/987,596	Filing date: January 10, 2011
First Named Inventor: Jorg Wadehn		
Title: PLAIN BEARING FOR A WIND TURBINE BLADE AND METHOD OF OPERATING A WIND TURBINE HAVING SUCH A PLAIN BEARING		

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 Special Status

Signature /Steven W. Benintendi/	Date April 18, 2011
Name (Print/Typed) Steven W. Benintendi	Registration Number 56,297

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/987,596	01/10/2011	Jõrg Wadehn	VWS-193US	8846

83583 7590 05/02/2011
Wood, Herron & Evans, LLP (Vestas Wind Systems)
441 Vine Street
2700 Carew Tower
Cincinnati, OH 45202

EXAMINER

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
05/02/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Wood, Herron & Evans, LLP (Vestas Wind Systems)
441 Vine Street
2700 Carew Tower
Cincinnati OH 45202

In re Application of	:	
WADEHN, J?RG	:	DECISION ON PETITION
Application No. 12/987,596	:	TO MAKE SPECIAL UNDER
Filed: Jan. 10, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. VWS-193US	:	PILOT PROGRAM
Title of Invention: PLAIN BEARING FOR A WIND TURBINE BLADE AND METHOD OF OPERATING A WIND TURBINE HAVING SUCH A PLAIN BEARING		

This is a decision on the petition under 37 CFR 1.102, filed April 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 1 and 4.

#1 In regard to item 1, petitioner should note that a review of the application claims has been made for the purposes of determining the number of claims contained therein. This application contains more than 3 independent claims and/or more than 20 total claims. As set forth in the Notice, if the application contains more than 3 independent claims or more than 20 total claims, it will not be eligible to participate in the "Pilot Program for Green Technologies Including Greenhouse Gas Reduction." Currently, the application contains a total of 4 independent claims.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. For example, it is not clear how the claimed bearing assembly will enhance the quality of the environment or develop renewable energy resources or produce energy conservation or reduce greenhouse gas.

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.

The application is being forwarded to the Technology Center Art Unit 3745 for action in its regular turn. Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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 May 31, 2011.

/Steven W. Benintendi/ May 31, 2011
Steven W. Benintendi Date
Reg. No. 56,297

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Jörg Wadehn
Serial No.:	12/987,596
Filed:	January 10, 2011
Group Art Unit:	3745
Examiner:	Unknown
Confirmation No.:	8846
Title:	PLAIN BEARING FOR A WIND TURBINE BLADE AND A METHOD OF OPERATING A WIND TURBINE HAVING SUCH A PLAIN BEARING
Attorney Docket:	VWS-193US

Cincinnati, Ohio 45202 May 31, 2011

Mail Stop Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

This is in response to the communication from the United States Patent and Trademark Office ("USPTO") dated May 2, 2011 (“Decision on Petition”) in which Applicant's prior Petition to make special under the Green Technology Pilot Program ("Green Technology Petition") was dismissed.

Applicant hereby requests reconsideration of the prior Green Technology Petition in light of the remarks provided herein that address the asserted deficiencies

noted in the Examiner's Decision on Petition. Applicant submits that the Green Technology Petition satisfies the requirements set forth in 74 Federal Register Notice 64666 (December 8, 2009) and respectfully requests the Examiner to grant Applicant's petition to make special under the Green Technology Pilot Program.

According to the Decision on Petition, the Examiner dismissed Applicant's Green Technology Petition because: i) the application contained more than three independent claims; and ii) the disclosure does not on its face meet the materiality standard, and Applicant failed to explain how the materiality standard is met in the instant case. Decision on Petition, p. 2. For the reasons set forth below, Applicant respectfully submits that the Petition meets the requirements under the Green Technology Program.

Applicant filed a Preliminary Amendment on April 18, 2011 amending the claims to be in conformance with the requirements under the Green Technology Program. In that Preliminary Amendment, claims 1, 12 and 16 were independent and the number of claims did not exceed twenty. Applicant does note that claim 10 appears similar to an independent claim and is most likely the source of any confusion regarding the number of independent claims. To avoid any further confusion, Applicant has filed a second Preliminary Amendment concurrently herewith in which claim 10 has been amended to be in independent form and claims 16-20 have been cancelled. Accordingly, Applicant submits that with this Preliminary Amendment, the currently pending claims satisfy the claim requirements under the Green Technology Program.

Turning now to the second ground for the dismissal of the Green Technology Petition, although Applicant does not fully understand how the Examiner

could reasonably conclude that the disclosure on its face does not satisfy the materiality standard, Applicant has provided herein a statement as to the materiality of the present invention.

Harnessing power from the wind is not new and has been known for many years. However, wind power companies and wind power manufacturers continually seek to improve the efficiency of wind power plants, such as wind turbines. Many of the more recent inventions in the field of wind power are directed to improving the operation of the wind turbine so as to improve its power generating capacity (i.e., increase the electrical power output from the wind turbine for a given power input from the wind). Applicant submits that these types of improvements fall within the scope of the Green Technology Pilot Program. In this regard, the rules that guide the Green Technology Program read:

> Patent applications are also eligible for the Green Technology Pilot Program if the applications are for inventions that materially contribute to: (1) The discovery or development of renewable energy resources; (2) <u>the more efficient utilization and conservation of energy resources</u>; or (3) the reduction of green house gas emissions.

Federal Register, Vol. 74, No. 234 (December 8, 2009) (emphasis added). From this, it is clear that inventions directed to improved efficiency of wind power plants, such as wind turbines, fall within the scope of this program.

Applicant submits that the claimed subject matter in the present application is at the very least of this genre. For example, claims 1-11 involve a plain bearing assembly for mounting a rotor blade to a rotor hub of a wind turbine and claims 12-15 are directed to a method of operating a wind turbine having a blade bearing assembly. The bearing assembly allows the blade to rotate relative to the hub about its

longitudinal axis. This, in turn, allows the blade to be pitched so as to maximize the aerodynamic performance of the blade (e.g., improve lift on the blade). Of course, improved aerodynamic performance of the blade results in an increased efficiency of the wind turbine. Additionally, the claimed bearing assembly has an increased operating life relative to existing systems. As the present application states:

> Thus, the wear and fatigue issues associated with roller elements, as well as the costs associated with their replacement and maintenance, may be avoided. Consequently, plain bearings represent an attractive alternative to roller element bearings. Additionally, plain bearings are designed to eliminate or minimize surface-to-surface contact and thus may operate with even lower friction, which may further increase efficiency.

Paragraph [0025]. A wind turbine is undoubtedly a green technology and the present invention improves the overall operating efficiency of the wind turbine. Applicant submits that such improvements fall squarely within the subject matter permitted under the Green Technology Pilot Program.

In conclusion, Applicant submits that all the requirements under the Green Technology Pilot Program, including the materiality standard, have been satisfied and respectfully request the Examiner to grant Applicant's Green Technology Petition.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/Steven W. Benintendi/

Steven W. Benintendi
Reg. No. 56,297

2700 Carew Tower
441 Vine Street
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(513) 241-2324 (voice)
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/987,596	01/10/2011	Jörg Wadehn	VWS-193US	8846

83583 7590 07/01/2011
Wood, Herron & Evans, LLP (Vestas Wind Systems)
441 Vine Street
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EXAMINER

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
07/01/2011	ELECTRONIC

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amalik@whepatent.com
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Wood, Herron & Evans, LLP (Vestas Wind Systems)
441 Vine Street
2700 Carew Tower
Cincinnati OH 45202

7/1/11

In re Application of	:	
Wadehn.	:	DECISION ON PETITION
Application No. 12/987,596	:	TO MAKE SPECIAL UNDER
Filed: 1/10/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **VWS-193US**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 5/31/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

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 3745 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/987,637	01/10/2011	Shunichi Sekiguchi	1163-0485PUS10	8942

2292 7590 08/02/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
2819	

NOTIFICATION DATE	DELIVERY MODE
08/02/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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mailroom@bskb.com

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PO BOX 747
FALLS CHURCH, VA 22040-0747

AUG 2 2011

In re Application of SEKIGUCHI ET AL. Application No. 12/987,637 Filed: January 10, 2011 Attorney Docket No. 1163-0485PUS10 Application Title: DIGITAL SIGNAL CODING METHOD AND APPARATUS, DIGITAL SIGNAL DECODING APPARATUS, DIGITAL SIGNAL ARITHMETIC CODING METHOD AND DIGITAL SIGNAL ARITHMETIC DECODING METHOD	DECISION ON PETITION TO MAKE SPECIAL FOR ACCELERATED EXAMINATION

This is a decision on the petition filed on January 10, 2011, to make the above-identified application "special" for accelerated examination under 37 CFR 1.102(d).

The petition is **DISMISSED**.

Any petition to make "special", other than those based on applicant's health, age, or the Patent Prosecution Highway ("PPH") pilot program, for an application filed *prior to August 26, 2006* must meet the requirements set forth in MPEP § 708.02 (I-II and V-XII).

Any petition to make "special", other than those based on applicant's health, age, or PPH pilot program, for an application filed *on or after August 26, 2006* must the requirements for Accelerated Examination as set forth in MPEP § 708.02(a) [see also *Changes to Prac. for Pet. in Pat. Apps. to Make Spec. and for Accel. Exam.*, 71 Fed. Reg. 36323, June 26, 2006.]:

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), see also MPEP 708.02(a), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

The petition appears on its face to be filed without recognition of the August 25, 2006 policy change to the petition to make special program. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. Further guidance may be found at www.USPTO.gov under the accelerated examination link.

REVIEW OF FACTS

The petition fails to comply with conditions II: 5.1-5.3 and 6.1 - 6.6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Information about the current accelerated examination procedure may be obtained from the USPTO website at http://www.uspto.gov/web/patents/accelerated. Any inquiry regarding this decision should be directed to Colleen Dunn at (571) 272-1170.

/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
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.
12/987,637	01/10/2011	Shunichi Sekiguchi	1163-0485PUS10	8942

2292 7590 10/05/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
2819	

NOTIFICATION DATE	DELIVERY MODE
10/05/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of	:	
SEKIGUCHI ET AL.	:	DECISION ON PETITION TO
Application No. 12/987,637	:	MAKE SPECIAL
Filed: January 10, 2011	:	
Attorney Docket No. 1163-0485PUS10	:	

This is a decision on the renewed petition filed on August 31, 2011, to make the above-identified application "special" under MPEP § 708.01(I) and § 707.02.

The petition to make the application special is **DISMISSED**.

REVIEW OF FACTS

A grantable petition to make special under 37 C.F.R. § 1.102(d), other than those based on applicant's health, age, or PPH pilot program, for an application filed *on or after August 26, 2006* must meet the requirements for Accelerated Examination as set forth in MPEP § 708.02(a). As the original "Petition to Make Special Under 37 CFR 1.102(d)" filed January 10, 2011 was not directed to applicant's age, health, or the PPH pilot program, it was treated by the Office as a petition to make special under Accelerated Examination and dismissed in the decision mailed August 1, 2011.

Petitioner filed a reply August 31, 2011 indicating that the petition was not intended to be a petition to make special under Accelerated Examination but rather is a petition to treat the application as "special" pursuant to MPEP 708.01 (I).

The instant application *already is special* as per MPEP 708.01(I) for having an effective pendency of more than five years. Therefore the petition to make special is not needed and is being dismissed.

Furthermore, in accordance with MPEP 708, each examiner will give priority to that application in his or her docket, whether amended or new, which has the *oldest effective U.S. filing date*. The order of examination for each examiner is to give priority to reissue applications and to reexamination proceedings, then to those special cases having a fixed 30-day due date, such as examiner's answers and decisions on motions. Most other cases in the "special" category (for example, interference cases, cases made special by petition, cases ready for final conclusion, etc.) will continue in this category, with the first effective U.S. filing date among them normally controlling priority.

DECISION

For the above-stated reasons, the petition is dismissed. This application *is special* and will be taken up for examination by the examiner in due turn according to the oldest effective US filing date as provided for in MPEP 708.

Any inquiry regarding this decision should be directed to Colleen Dunn at (571) 272-1170.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

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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.
12/987,661	01/10/2011	Shunichi Sekiguchi	1163-0485PUS9	8986

2292 7590 04/21/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
NGUYEN, KHAI M

ART UNIT	PAPER NUMBER
2819	

NOTIFICATION DATE	DELIVERY MODE
04/21/2011	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.

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of: Shunichi SEKIGUCHI, *et al.* Serial No.: 12/987661 Filed: January 10, 2011 Title: **DIGITAL SIGNAL CODING METHOD AND APPARATUS, DIGITAL SIGNAL DECODING APPARATUS, DIGITAL SIGNAL ARITHMETIC CODING METHOD AND DIGITAL SIGNAL ARITHMETIC DECODING METHOD**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed January 10, 2011.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist (QAS) Michael Day at (571) 272-1568.

Michael Day, QAS
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS TX 75201-4761

MAILED
MAY 02 2011
OFFICE OF PETITIONS

In re Application of	:	
Daus et al.	:	
Application No. 12/987,684	:	RESPONSE TO PETITION
Filed: January 10, 2011	:	
Attorney Docket No. 125426-1220	:	

This is a response to the petition, filed February 17, 2011, which is treated as a petition under 37 CFR 1.59(b) to expunge information from the above identified application.

The petition is **granted**.

On January 10, 2011, an oath was filed that corresponded to an unrelated application. Petitioner now requests that this oath be removed from the file of the above-identified application. A new oath was filed with this petition.

Upon a showing satisfactory to the Director, information, other than that forming part of the original disclosure, may be expunged from an application. Since the Office can determine the correct application file for which the erroneously filed papers were intended from the other identifying information on the papers and the content of the papers, the papers will be removed as requested.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. In the Image File Wrapper (IFW) realm the corresponding action(s) is to close the document and also remove such from the listing of "Public[ly available] Documents." It is agreed that it would be appropriate in this instance to close the oath filed January 10, 2011 in the above-identified application, and also remove such from the listing of publicly available documents.

As a condition of this favorable treatment petitioner is required to maintain the material in question during the enforceable life of any patent arising from this application, or any patent claiming benefit of this application.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of:
Zhao et al.
Application No. 12/987,731
Filed: January 10, 2011
Attorney Docket No. 8073P1105

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 12, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
      ii. validly claims priority to a PCT application that contains no priority claims, or
   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority to an application filed in the JPO, or
      ii. validly claims priority to a PCT application that contains no priority claims, or
      iii. contains no priority claim, or
   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
      i. validly claims priority to an application filed in the JPO, or
      ii. validly claims priority to a PCT application that contains no priority claims, or
      iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate; (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the JPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    d. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    e. Copies of the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Joan Olszewski at 571-272-7751.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: K-1203	Application Number (if known): 12/987,748	Filing date: January 10, 2011
First Named Inventor: Se Jin KO		
Title: BACKLIGHT UNIT		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date May 18, 2011
Name (Print/Typed) Samuel W. Ntiros	Registration Number 39,318

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.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Docket No.: **K-1203** PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of		Confirmation No.:	**9145**
Se Jin KO		Group Art Unit:	**2871**
Serial No.:	**12/987,748**	Examiner:	
Filed:	**January 10, 2011**	Customer No.:	**34610**

For: **BACKLIGHT UNIT**

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

U.S. Patent and Trademark Office
Customer Service Window, **MAIL STOP PETITIONS**
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

Special status is sought under 37 CFR §1.102 because the invention materially contributes to the more efficient utilization and conservation of energy resources.

Respectfully submitted,
KED & ASSOCIATES, LLP

Daniel Y.J. Kim
Registration No. 36,186
Samuel W. Ntiros
Registration No. 39,318

Correspondence Address:
P.O. Box 8638
Reston, VA 20195
703 766-3777 DYK/SWN/krf

Date: May 18, 2011

Please direct all correspondence to Customer Number 34610

Q:\Documents\2016-1447\280244

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/987,748	01/10/2011	Se Jin KO	K-1203	9145

34610 7590 05/25/2011
KED & ASSOCIATES, LLP
P.O. Box 8638
Reston, VA 20195

EXAMINER

ART UNIT	PAPER NUMBER
2875	

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.

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KED & ASSOCIATES, LLP
P.O. Box 8638
Reston VA 20195

In re Application of	:	
Se Jin KO	:	DECISION ON PETITION
Application No. 12/987,748	:	TO MAKE SPECIAL UNDER
Filed: January 10, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. K-1203	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on May 18, 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 **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition alleges that the claimed invention contributes to more efficient utilization and conservation of energy. The claims do not limited the light source to an LED or semiconductor based light emitting device. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to more efficient utilization and conservation of energy. Any argument that the claimed invention can be used with LEDs is considered speculate as to how a hypothetical end-user might specially apply the claimed invention. Favorable consideration would be given if the claims were amended to specifically require the light source to be an LED or semiconductor based light emitting device.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2875 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

Docket No: K-1203 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Confirmation No: 9145

Se Jin KO Group Art Unit: 2871

Serial No: 12/987,748 Examiner: To be Assigned

Filed: January 10, 2011 Customer No: 34610

For: BACKLIGHT UNIT

PETITION FOR RECONSIDERATION OF DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

U.S. Patent and Trademark Office
Customer Service Window, **MAIL STOP PETITIONS**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

On May 25, 2011, a Decision on Petition was issued dismissing the Petition under 37 CFR § 1.102, filed on May 18, 2011, to make the above-identified application special under the Green Technology Pilot Program.

The Petition was dismissed on grounds that the invention as claimed is not clearly drawn to an LED or a semiconductor-based light-emitting device.

In order to satisfy the requirements for having an application made special under the Green Technology Pilot Program, a Preliminary Amendment has been filed with this paper to amend the claims to recite that the light source is a semiconductor-based light emitting device. On page 2 of the Decision on Petition, it was indicated that an Amendment of this type would be sufficient to have the application made special under 37 CFR § 1.102.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees (including any petition fee) due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP

Daniel Y.J. Kim
Registration No. 36,186
Samuel W. Ntiros
Registration No. 39, 318

Correspondence Address:
P.O. Box 8638
Reston, VA 20195
703 766-3777 DYK/SWN/krf

Date: June 9, 2011

Please direct all correspondence to Customer Number 34610

\\Fk4\Documents\2016\2016-1447\282526.doc

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/987,748	01/10/2011	Se Jin KO	K-1203	9145

34610 7590 06/21/2011
KED & ASSOCIATES, LLP
P.O. Box 8638
Reston, VA 20195

EXAMINER

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
06/21/2011	PAPER

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P.O. Box 8638
Reston VA 20195

In re Application of	:	
Se Jin KO	:	DECISION ON PETITION
Application No. 12/987,748	:	TO MAKE SPECIAL UNDER
Filed: January 10, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. K-1203	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on May 18, 2011 and renewed on June 09, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2875 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROSSI, KIMMS & MCDOWELL LLP
20609 GORDON PARK SQUARE
SUITE 150
ASHBURN VA 20147

MAILED
JAN 26 2011
OFFICE OF PETITIONS

In re Application of	:	
David M. Goldenberg	:	
Application No. 12/987,814	:	ON PETITION
Date Deposited: January 10, 2011		
Attorney Docket No. IMMU-0026	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 10, 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 applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MCCARTER & ENGLISH, LLP BOSTON
265 FRANKLIN STREET
BOSTON MA 02110

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of	:	
Arnold M. Heitmann	:	
Application No. 12/987,839	:	ON PETITION
Filed: January 10, 2011		
Attorney Docket No. 118754-00103	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 10, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/987,840	01/10/2011	Atle Hedloy	3324/108	9313

2101 7590 04/05/2011
Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

EXAMINER
PHAM, KHANH B

ART UNIT	PAPER NUMBER
2166	

NOTIFICATION DATE	DELIVERY MODE
04/05/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@SUNSTEINLAW.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

Jakub M. Michna
Sunstein Kann Murphy & Timbers LLP
125 Summer Street
Boston, MA 02110-1618

In re Application of: Atle HEDLOY Serial No.: 12/987,840 Filed: January 10, 2011 Title: METHOD, SYSTEM AND COMPUTER READABLE MEDIUM FOR ADDRESSING HANDLING FROM AN OPERATING SYSTEM	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on January 10, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture and Software

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 8736.409.00	Application Number (if known): Not Yet Assigned	Filing date: January 10, 2011

First Named Inventor: Philwon Yoon

Title: SOLAR CELL AND METHOD FOR MANUFACTURING THE SAME

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date January 10, 2011
Name (Print/Typed) Michael P. Alexander	Registration Number 50,961

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☑ *Total of 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.

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.
12/987,853	01/10/2011	Philwon Yoon	8736.409.00	9340

30827 7590 02/04/2011
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
1784	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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2/4/2011

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of	:	
Philwon Yoon et al.	:	DECISION ON PETITION
Application No. 12/987,853	:	TO MAKE SPECIAL UNDER
Filed: January 10, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 8736.409.00	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 10, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Gerard L. Cullen

Application No. 12987856

Filed:

Attorney Docket No. 10236.2

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 10-JAN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

MAILED
FEB 29 2012
OFFICE OF PETITIONS

In re Application of	:	
JAIN, et al	:	
Application No. 12/987,878	:	DECISION ON PETITION
Filed: January 10, 2011	:	TO WITHDRAW
Attorney Docket No. 677492000210	:	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 26, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10:40(c).

The request was signed by Kate H. Murashige on behalf of the attorneys of record associated with Customer No. 25225.

The attorneys of record associated with Customer No. 25225 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SANJAY JAIN
LONDON BIOSCIENCE INNOVATION CENTRE
2 ROYAL COLLEGE STREET
LONDON NW1 0NH GB

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/987,878	01/10/2011	Sanjay JAIN	677492000210

CONFIRMATION NO. 9401

POWER OF ATTORNEY NOTICE

25225
MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

OC000000052789975

Date Mailed: 02/27/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/26/2012.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/987,939	01/10/2011	Atle Hedloy	3324/110	9497

2101 7590 04/05/2011
Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

EXAMINER
PHAM, KHANH B

ART UNIT	PAPER NUMBER
2166	

NOTIFICATION DATE	DELIVERY MODE
04/05/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@SUNSTEINLAW.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

Jakub M. Michna
Sunstein Kann Murphy & Timbers LLP
125 Summer Street
Boston, MA 02110-1618

In re Application of: Atle HEDLOY Serial No.: 12/987,939 Filed: January 10, 2011 Title: METHOD, SYSTEM AND COMPUTER READABLE MEDIUM FOR ADDRESSING HANDLING FROM AN OPERATING SYSTEM	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on January 10, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture and Software

UNITED 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

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

MAILED
NOV 08 2011
OFFICE OF PETITIONS

In re Application of	:	
John E. Edwards Jr. et al	:	
Application No. 12/987,949	:	DECISION ON PETITION
Filed: January 10, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 50665/009004	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 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 inventor John E. Edwards Jr. is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The matter is being referred to the Technology Center Art Unit 1645 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

Decision Date : March 12, 2012

In re Application of :

Thomas Gruber

Application No : 12987982

Filed : 10-Jan-2011

Attorney Docket No : P10575US1

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 March 12, 2012

The request is **APPROVED.**

The request was signed by Amir H. Raubvogel (registration no. 37070) on behalf of all attorneys/agents associated with Customer Number 71191 . All attorneys/agents associated with Cusotmer Number 71191 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	Apple Inc.
Name2	Attn: Patent Department
Address 1	1 Infinite Loop
Address 2	M/S 36-2PAT
City	Cupertino
State	CA
Postal Code	95014
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	12987982
Filing Date	10-Jan-2011
First Named Inventor	Thomas Gruber
Art Unit	2626
Examiner Name	
Attorney Docket Number	P10575US1
Title	Intelligent Automated Assistant

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 71191

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	Apple Inc. Attn: Patent Department
Address	1 Infinite Loop M/S 36-2PAT
City	Cupertino
State	CA
Postal Code	95014
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Amir H. Raubvogel/
Name	Amir H. Raubvogel
Registration Number	37070

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NOV 26 2010

PCT LEGAL ADMINISTRATION

LRK Patent Law Firm
1952 Gallows Rd
Suite 200
Vienna VA 22182

In re Application of: SHIM, Jae, Bum
U.S. Application No.: 12/988,014
PCT No.: PCT/KR2008/001042
International Filing Date: 22 February 2008
Priority Date: 22 February 2008
Attorney Docket No.: P10355US
For: WEB BROWSING ENVIRONMENT PROVIDER SYSTEM FOR MULTIPLE USERS AND CONTROL METHOD THEREOF

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 15 October 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/KR2008/001042 became abandoned with respect to the United States at midnight on 22 August 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 executed by each of the three applicant/inventors stating 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.

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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AUG 23 2011

PCT LEGAL ADMINISTRATION

DOBRUSIN & THENNISCH PC
29 W LAWRENCE ST
SUITE 210
PONTIAC MI 48342

In re Application of	:	
MULLER, et al.	:	
Application No.: 12/988,027	:	
PCT No.: PCT/EP2009/002828	:	DECISION ON PETITION
Int. Filing Date: 17 April 2009	:	
Priority Date: 18 April 2008	:	UNDER 37 CFR 1.497(d)
Attorney Docket No.: 1401A-009 (C10384-WO-US)	:	
For: METHOD, DEVICE, AND MEASURING	:	
DEVICE FOR CUTTING OPEN FOODSTUFF	:	

This decision is in response to applicant's petition under 37 CFR 1.497(d) filed 01 July 2011 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $130.00 petition fee.

BACKGROUND

On 17 April 2009, applicant filed international application PCT/EP2009/002828, which claimed a priority date of 18 April 2008. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 December 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, 18 October 2010.

On 15 October 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other items, the requisite basic national fee; an Application Data Sheet; a preliminary amendment and an English translation of the international application as filed.

On 03 November 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 31 May 2011, applicant responded with an executed declaration of the inventors and a petition for a five-month extension of time.

On 07 June 2011, applicant was mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) informing applicant that the filed declaration listed an inventor not present on the published international application. Applicant was afforded one month to file a proper response.

On 01 July 2011, applicant filed the petition discussed herein.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant satisfied all of the above items. As such, it is proper to grant applicant's request at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 17 April 2009 and will be given a date of **31 May 2011** under 35 U.S.C. 371(c)(1), (c(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

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DEC 28 2010

PCT LEGAL ADMINISTRATION

LRK Patent Law Firm
1952 Gallows Rd
Suite 200
Vienna VA 22182

In re Application of	:	
Shim	:	
Application No.: 12/988,036	:	DECISION
PCT No.: PCT/KR2008/001040	:	
Int. Filing Date: 22 February 2008	:	ON
Priority Date: 22 February 2008	:	
Attorney Docket No.: P10356US	:	PETITION
For: Method For Remote Wake-Up A	:	
Computer Connected To A Network	:	

The petition to revive under 37 CFR 1.137(b) filed on 15 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.

Review of the declaration filed on 15 October 2010 reveals that it was not made under PCT Rule 4.17(iv) or on a USPTO-provided form, and that it is not accompanied by the statement required under 37 CFR 1.69(b).

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

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FAY SHARPE/LUCENT
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115-1843

MAILED
JUN 28 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Bahman MOBASSER	:	
Application No: 12/988,041	:	
PCT No.: PCT/FR2009/050633	:	
Int. Filing Date: 09 April 2009	:	PETITION UNDER
Priority Date: 15 April 2008	:	
Attorney's Docket No.: LUTZ 201185US01	:	
For: METHOD OF... THAT METHOD	:	37 CFR 1.47(b)

This is in response to the "PETITION UNDER 37 CFR 1.47(b)" filed on 29 April 2011.

BACKGROUND

On 09 April 2009, applicants filed international application PCT/FR2009/050633, which claimed priority of an earlier application filed 15 April 2008.

On 15 Ocotber 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 01 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicants, *inter alia*, that "the oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date... Oath not signed" The notification set two (2) months from the date of this notice or 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment."

On 29 April 2011, petitioner filed a petition under 37 CFR 1.47(b), *inter alia*, statement from Sabine Firpion and a declaration without the signature of the sole inventor Bahman MOBASSER.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Applicant has satisfied items (1) - (6) thus completing the requirements under 37 CFR 1.47(b).

Regarding item (1), petitioner has submitted the petition fee of $200.00 under 37 CFR 1.17(g) by credit card.

Regarding item (2), the averment of Sabine Firpion is sufficient to support a finding that the nonsigning inventor, Mr. MOBASSER refuses to sign because it is clear that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for his signature, and that the sole inventor refused to return the correspondence. Sabine Firpion states that a registered mail that contained a complete copy of the application papers was mailed on November 2, 2010 and that on November 4, 2010 the registered mailed was presented to sole inventor Mobasser, and he refused to claim the registered mail.

Regarding item (3), applicant has stated the last known address of the inventor:

Bahman Mobasser
12, rue de Villeneuve
78310 Maurepas FRANCE

Regarding item (4) a declaration has been provided executed by an appropriate person on behalf of the non-signing sole inventor, Bahman MOBASSER.

Regarding item (6) applicant has presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding item (5) applicant has submitted proof that applicant has sufficient proprietary interest in the application because a legal memorandum prepared by Claire LE FLOCH establishes that Alcatel-Lucent has a sufficient proprietary interest in this invention and as a result under French law Alcatel-Lucent is the owner of the invention.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to continue national stage processing of the application.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/988,112	10/15/2010	Masakazu Mori	2010_1420A	7932

52349 7590 04/06/2011
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
04/06/2011	ELECTRONIC

Please find below 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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WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of	:	
MORI, MASAKAZU	:	DECISION ON REQUEST TO
Application No. 12/988,112	:	PARTICIPATE IN PATENT
Filed: October 15, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **2010_1420A**	:	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 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 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 Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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NOV 19 2010

PCT LEGAL ADMINISTRATION

Huawei Technologies Co., Ltd./Finnegan
901 New York Avenue, NW
Washington DC 20001

In re Application of	:	
CHEN	:	
U.S. Application No.: 12/988,117	:	DECISION ON PETITION
PCT No.: PCT/CN2009/070308	:	
Int. Filing Date: 23 January 2009	:	UNDER 37 CFR 1.137(b)
Priority Date: 04 February 2008	:	
Attorney Docket No.: 11005.0426	:	
For: METHOD, APPARATUS, AND SYSTEM FOR	:	
TRIGGERING RESOURCE CONFIGURATION	:	

The petition to revive under 37 CFR 1.137(b) filed 15 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

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HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON MA 02116-3889

MAILED
JUL 28 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
FERREIRA et al	:	
PCT No.: PCT/BR2009/000032	:	
Application No: 12/988,141	:	PETITION UNDER
Int. Filing Date: 10 February 2009	:	
Priority Date: 16 April 2008	:	
Attorney's Docket No.: 114884.00xx/102.610-0	:	37 CFR 1.47(a)
For: ARRANGEMENT OF... DEVICE	:	

This is in response to the "RESPONSE TO NOTIFICATION OF..., AND PETITION UNDER 37 CFR 1.47(a)" filed on 03 June 2011.

BACKGROUND

On 15 October 2010, petitioner filed in the United States Patent & Trademark Office a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed oath or declaration accompanied the above papers.

On 04 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date." The notice also indicated that a $130 surcharge for providing the oath or declaration later than 30 months from the priority date is required. The Notice stated that the declaration must be submitted within two months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 03 June 2011, petitioner filed, inter alia, the current petition, and a statement by Mario Goncalves on facts supporting filing the application on behalf of the nonsigning joint inventor Atu Dhiman.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied items (1) and (3) of 37 CFR 1.47(a). However, items (2) and (4) of 37 CFR 1.47(a) have not been satisfied.

Regarding item (1), petitioner has provided the petition fee $200 under 37 CFR 1.17(g) by credit card.

Regarding item (2), Mr. Goncalves states that he emailed on 2 December 2010 a copy of the application papers, which included the patent application and a copy of the Combined Declaration and Power of Attorney, of aforementioned application to Mr. Dhiman.

However, it is unclear if Mr. Dhiman received the email because no proof has been submitted that it was received and read by him such a return email receipt that it was read or a response from Mr. DHiman. Moreover, Mr. Goncalves has not indicated that he mailed the application papers to Mr Dhiman last known address.

Where the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, item (2) cannot be considered satisfied.

Regarding requirement (3), petitioner has provided a statement of the last known address of the missing inventor.

Atul Dhiman
2283/B, Sector – 19/C
Chandigarth, 160019
UT, INDIA

Regarding requirement (4), petitioner has not provided a properly executed declaration as joint inventor Heinzle did not date his signature.

Consequently, at this time it can not be concluded that Mr. Dhiman has refused to sign the documents based on the evidence provided.

Consequently, the petition has not met all the items under 37 CFR 1.47(a).

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

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ALEXANDRIA, VA 22313-1450
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HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON MA 02116-3889

MAILED
NOV 17 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
FERREIRA et al	:	
PCT No.: PCT/BR2009/000032	:	
Application No: 12/988,141	:	PETITION UNDER
Int. Filing Date: 10 February 2009	:	
Priority Date: 16 April 2008	:	
Attorney's Docket No.: 114884.00xx/102.610-0	:	37 CFR 1.47(a)
For: ARRANGEMENT OF... DEVICE	:	

This decision is in response to applicants' "RESPONSE TO DECISION ON PETITION MAILED 28 July 2011" filed on 28 September 2011.

BACKGROUND

The decision by this Office dated 28 July 2011 indicated that requirements (2) and (4) had not been satisfied under 37 CFR 1.47(a).

On 28 July 2011, petitioner filed this renewed petition indicating that joint inventor Dhiman has now signed the declaration.

DISCUSSION

The renewed petition states subsequent to the date of the decision, petitioner successfully contacted joint inventor Dhiman for the purpose of executing the declaration and he did execute it.

However, petitioner has filed a defective declaration as it is incomplete because only two sheets of the declaration has been filed with the current petition. The declaration must include the proper language and list each inventor as expressly set forth in 37 CFR 1.63.

Accordingly, the declaration filed on 28 September 2011 does not comply with 37 CFR 1.497(a) and (b).

At this time, the application can not enter national stage. Petitioner is required to provide a proper executed declaration.

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

MAILED

FEB 03 2011

PCT LEGAL ADMINISTRATION

In re Application of NAKANISHI et al	:	
U.S. Application No.: 12/988,158	:	
PCT Application No.: PCT/JP2009/058282	:	
Int. Filing Date: 27 April 2009	:	DECISION
Priority Date Claimed: 30 April 2008	:	
Attorney Docket No.: 046884-5811	:	
For: TOTAL REFLECTION TERAHERTZ WAVE MEASUREMENT DEVICE	:	

This is in response to applicant's correspondence filed 15 December 2010, which is being treated as a request for status under 37 CFR 1.43.

BACKGROUND

On 27 April 2009, applicant filed international application PCT/JP2009/058282, which claimed priority of an earlier Japan application filed 30 April 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 05 November 2009. The thirty-month period for paying the basic national fee in the United States expired on 01 November 2010.

On 15 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).

On 02 November 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 15 December 2010, applicant filed the present request for status under 37 CFR 1.43.

DISCUSSION

The declaration states that joint inventor Shinichiro Aoshima is incapacitated.

37 CFR 1.43 provides, "In case an inventor is insane or otherwise legally incapacitated, the legal representative (guardian, conservator, etc.) of such inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 15 December 2010 fails to state the name and citizenship of the legal representative as required by 37 CFR 1.497(b)(2). Applicant is advised that a singular indication of the citizenship in the signature block cannot be used for both the inventor and the legal representative.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.43 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.43".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

MAILED
JUN 23 2011
PCT LEGAL ADMINISTRATION

In re Application of NAKANISHI et al	:	
U.S. Application No.: 12/988,158	:	
PCT Application No.: PCT/JP2009/058282	:	
Int. Filing Date: 27 April 2009	:	DECISION
Priority Date Claimed: 30 April 2008	:	
Attorney Docket No.: 046884-5811	:	
For: TOTAL REFLECTION TERAHERTZ WAVE MEASUREMENT DEVICE	:	

This is in response to applicant's renewed request for status under 37 CFR 1.43 filed 28 April 2011.

BACKGROUND

On 27 April 2009, applicant filed international application PCT/JP2009/058282, which claimed priority of an earlier Japan application filed 30 April 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 05 November 2009. The thirty-month period for paying the basic national fee in the United States expired on 01 November 2010.

On 15 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).

On 02 November 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 15 December 2010, applicant filed a request for status under 37 CFR 1.43.

On 03 February 2011, this Office mailed a decision dismissing the 15 December 2010 request.

On 28 April 2011, applicant filed the instant renewed request for status under 37 CFR 1.43.

DISCUSSION

The declaration states that joint inventor Shinichiro Aoshima is incapacitated.

37 CFR 1.43 provides, "In case an inventor is insane or otherwise legally incapacitated, the legal representative (guardian, conservator, etc.) of such inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 28 April 2011 is in compliance with 37 CFR 1.43 and 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.43 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 27 April 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 28 April 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

APR 21 2011

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FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of:	:	
LIU, Xu, et al.	:	
U.S. Application No.: 12/988,204	:	DECISION ON REQUEST UNDER
PCT No.: PCT/CN2008/001126	:	37 CFR 1.497(d)
International Filing Date: 11 June 2008	:	
Priority Date: 18 April 2008	:	
Attorney's Docket No.: 30022-0002US1	:	
For: SCREEN DEVICE FOR THREE-	:	
DIMENSIONAL DISPLAY WITH	:	
FULL VIEWING FIELD	:	

This decision is issued in response to the "PETITION FOR CORRECTION OF INVENTORSHIP OF UTILITY PATENT APPLICATION UNDER 37 C.F.R. § 1.48(a)" filed by applicants on 25 February 2011, considered here under 37 CFR 1.497(d).[1] Deposit Account No. 06-1050 will be charged the required $130 processing fee.

BACKGROUND

On 11 June 2008, applicants filed international application PCT/CN2008/001126. The application claimed a priority date of 18 April 2008, and it designated the United States. On 22 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., 18 October 2010. The published international application identified four applicant/inventors for the United States.

On 15 October 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 a purported English translation of the international application.

On 05 November 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration incompliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

[1] The present petition was made pursuant to 37 CFR 1.48(a); however, 37 CFR 1.48(a) applies only to U.S. non-provisional applications. Where, as here, an applicant seeks to correct inventorship in an application entering the national stage in the United States under 35 U.S.C. 371, the applicable regulation is 37 CFR 1.497(d).

On 06 December 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and a declaration executed by the four inventors of record and two additional inventors, Zhenrong ZHENG and Caijie YAN.

On 23 December 2010, the DO/EO/US issued a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed on 06 December 2010 was not acceptable based on the inclusion of the two additional inventors.

On 25 February 2011, applicants filed the petition considered herein as a request under 37 CFR 1.497(d) (with the required two-month extension fee). The petition requests that Zhenrong ZHENG and Caijie YAN be added to the present application as additional inventors of record.

DISCUSSION

1. Request to Correct Inventorship Under 37 CFR 1.497(d)

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

The declaration filed by applicants on 06 December 2010 names an inventive entity different than that set forth in the international application. Specifically, Zhenrong ZHENG and Caijie YAN have been added as additional inventors. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statements of non-deceptive intent from the persons to be added as inventors, as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. In addition, applicants have submitted a statement executed by an officer of the assignee consenting to the requested change in inventorship, and such statement of consent has been provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore also satisfied.

Based on the above, applicants have satisfied the requirements for a grantable request to correct inventorship under 37 CFR 1.497(d). The request to add Zhenrong ZHENG and Caijie YAN as additional inventors of record is therefore appropriately granted.

2. English Translation Of International Application As Filed

A review of the English translation of the international application filed herein on 15 October 2010 reveals that such translation is not complete because it fails to include an English translation of the original claims in the international application as filed (applicants have only submitted an English translation of the claims as amended under PCT Article 19). As set forth in MPEP section 1893.01(d): "A translation of less than all of the international application (e.g., a translation that fails to include a translation of text contained in the drawings or a translation that includes a translation of claims amended under PCT Article 19 or 34 but does not include a translation of the original claims) is unacceptable."

Based on the above, applicants have not yet provided an acceptable English translation of the complete international application as filed, as required under 35 U.S.C. 371(c)(2) and 37 CFR 1.495(c).

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to add Zhenrong ZHENG and Caijie YAN as additional inventors of record.

In view of the correction of inventorship, the declaration filed on 06 December 2010 is now acceptable in compliance with 37 CFR 1.497(a) and (b).

However, the English translation of the international application filed on 15 October 2010 is not acceptable based on its failure to include an English translation of the original claims as filed, prior to their amendment under PCT Article 19.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision, including the mailing of a new "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of the materials necessary to complete the English translation of the international application, (i.e., a translation of the original claims), as well as the processing fee for filing the English translation later than thirty months after the priority date.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 08 2010

PCT LEGAL ADMINISTRATION

DILWORTH PAXSON LLP
1500 Market Street
Suite 3500 E
PHILADELPHIA PA 19102

In re Application of	:	
BABUL et al.	:	
Application No.: 12/988,209	:	DECISION
PCT No.: PCT/US2009/001502	:	
Int. Filing Date: 09 March 2009	:	
Priority Date: 08 March 2008	:	
Attorney Docket No.: 10-1365 (TQ-6US)	:	
For: ORAL PHARMACEUTICAL COMPOSITIONS OF BUPRENORPHINE AND METHOD OF USE	:	

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 15 October 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 March 2009, applicant filed international application PCT/US2009/001502 which designated the U.S. and claimed a priority date of 08 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 17 September 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 September 2010.

On 15 October 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 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 15 October 2010.

As to item (2), applicant submitted the petition fee on 15 October 2010.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Toubia, Didier et al.	:	
Application No. 12/988,233	:	DECISION ON PETITION
Effective Date: October 15, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **3152.012A**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 15, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of Alexander Levin's passport and driver's license, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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UNITED STATES 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.
12/988,240	10/15/2010	Yeong Hyeon Kwon	8737.408.00	8728

30827 7590 03/29/2011
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2472	

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

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of: KWON, YEONG HYEON et al.
Application No. 12988240
Filed: October 15, 2010
For: METHOD FOR TRANSMITTING SUB-FRAME DESIGNATION INFORMATION TO A DOWNLINK IN A RADIO COMMUNICATION SYSTEM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

MAR 29 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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 March 1, 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 KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
- (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
- (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of (a) the allowable/patentable claim(s) from the KR 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 or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO 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 KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the KIPO 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 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 were previously dismissed for apparent failure of items (5) and (6) above. During a telephonic interview on January 14, 2011, Applicant's representative Harry Lee assisted in locating the documents that were believed to be missing. For further clarification, Mr. lee submitted a copy of the document KR 2002-46547; this document that was previously presumed to be missing was actually listed in the IDS as KR 10-0830486, which is the patent registration number corresponding to the application publication number 10-2002-0046547.

Therefore, 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 the undersigned at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/988,261	01/06/2011	Tomohiro Nakagome	038915.00212	8868

44955 7590 03/23/2011
SQUIRE, SANDERS & DEMPSEY (US) LLP
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO, CA 94111-3356

EXAMINER
NELMS, DAVID C

ART UNIT	PAPER NUMBER
2871	

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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SQUIRE, SANDERS & DEMPSEY (US) LLP
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO CA 94111-3356

In re Application of	
Tomohiro NAKAGOME	**: DECISION ON REQUEST TO**
Application No.: 12/988,261	**: PARTICIPATE IN THE PATENT**
Filed: 06 January 2011	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 038915.00212	**: PROGRAM AND PETITION**
For: OPTICAL DEVICE, UNIFORM	**: TO MAKE SPECIAL UNDER**
ILLUMINATION DEVICE, OPTICAL	**: 37 CFR 1.102(a)**
SHEET, BACKLIGHT UNIT, AND	
DISPLAY UNIT	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 10 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 (2-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (1).

Regarding the requirement of condition (1), the instant application does not claim priority to JP 2008-246111 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 (for example, JP 2008-246111 is a national stage entry of PCT/ JP08/057547).

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/988,261	01/06/2011	Tomohiro Nakagome	038915.00212	8868

44955 7590 05/10/2011
SQUIRE, SANDERS & DEMPSEY (US) LLP
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO, CA 94111-3356

EXAMINER
NELMS, DAVID C

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
05/10/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SQUIRE, SANDERS & DEMPSEY (US) LLP
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO CA 94111-3356

In re Application of	
TOMOHIRO NAKAGOME	**: DECISION ON REQUEST TO**
Application No.: 12/988,261	**: PARTICIPATE IN THE PATENT**
Filed: 06 January 2011	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 038915.00212	**: PROGRAM AND PETITION**
For: OPTICAL DEVICE, UNIFORM ILLUMINATION DEVICE, OPTICAL SHEET, BACKLIGHT UNIT, AND DISPLAY UNIT	**: TO MAKE SPECIAL UNDER : 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 10 January 2011 and renewed 15 April 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED
JUL 12 2011
PCT LEGAL ADMINISTRATION

In re Application of :
SEILLER et al. :
U.S. Application No. 12/988,262 : DECISION ON PETITION
PCT No.: PCT/EP2009/002973 :
Int. Filing Date: 16 April 2009 :
Priority Date: 16 April 2008 :
Attorney Docket No.: 3037.031US1 :
For: STORAGE COMPARTMENT :

This decision is in response to applicants' "Rule 37 CFR 1.47(a) Petition to File Application By Other Than All Inventors" filed 10 May 2011, to accept the application without the signature of joint-inventor, Thierry Benard. The $200 petition fee has been submitted.

BACKGROUND

On 16 April 2009, applicants filed international application PCT/EP2009/002973 which claimed a priority date of 16 April 2008. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 October 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, 16 October 2010.

On 15 October 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 10 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 10 May 2011, applicants filed the present petition under 37 CFR 1.47(a) and a four-month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3), and (4) have been satisfied.

As to item (2), petitioner states that Thierry Benard 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 petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, Thierry Benard. The Declaration of Patricia Kopf states that on November 19, 2010 and January 16, 2011 letters were mailed to Thierry Benard, to his last known address, via regular and registered mail. The letters were returned to sender. It is noted that multiple mailings to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the inventor. Additionally, Ms. Kopf states that "Faurecia Innenraum System Gmbh has attempted to locate a forwarding address and/or phone number, but is unable to locate Mr. Bernard." However, Ms. Kopf failed to provide documentary evidence to support the telephone/internet searches and a firsthand statement regarding the search. As stated above, copies of documentary evidence such as internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., should be supplied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Thierry Benard 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
Fax: (571) 273-0459

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Schwegman, Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis MN 55402

MAILED
NOV 18 2011
PCT LEGAL ADMINISTRATION

In re Application of :
SEILLER et al. :
U.S. Application No. 12/988,262 : DECISION ON PETITION
PCT No.: PCT/EP2009/002973 :
Int. Filing Date: 16 April 2009 :
Priority Date: 16 April 2008 :
Attorney Docket No.: 3037.031US1 :
For: STORAGE COMPARTMENT :

This decision is issued in response to applicants' "Renewed Rule 37 CFR §1.47(a) Petition to File Application By Other Than All Inventors" filed 14 November 2011. In a decision dated 12 July 2011, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Thierry Benard, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 14 November 2011 with the present petition was executed by the named inventor, the previous non-signing inventor, Thierry Benard. The declaration filed 14 November 2011 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED as MOOT**.

The application has an international filing date of 16 April 2009 under 35 U.S.C. 363 and a date of 14 November 2011 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (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:	12/988,274	Filing date:	15 October 2010
First Named Inventor:	Jonathan Ryan Prill		
Title of the Invention:	Method and Apparatus For Controlling Downhole Rotational Rate of A Drilling Tool		

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/US2009/040983

The international filing date of the corresponding PCT application(s) is/are: April 17, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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.:	12/988,274
First Named Inventor:	Jonathan Ryan Prill

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 15, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 15, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-21	1-21	Claims are substantially the same, with only minor amendments for dependency and clarity.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Matt Moscicki/	Date Nov. 17, 2011
Name (Print/Typed) Matthew R. Moscicki	Registration Number 57524

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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CONLEY ROSE P.C
P.O.BOX 3267
HOUSTON TX 77253

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of:
Prill et al.
Application No. 12/988,274
Filed: October 15, 2010
Attorney Docket No. 1814-54508

: 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 November 17, 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, NPI, Australia, Austria, China, Finland, Russia, Spain, Sweden, 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.

Currently, requirements (1),(3) and (5)-(8) are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (2) and (4).

Regarding the requirement of conditions (2), the submission reveals that the observations in Box VIII do not meet the requirement of PCT Article 6 in that the matter for which protection is sought is not clearly defined. Accordingly, petitioner must provide an explanation regarding the Box VIII observations.

Regarding the requirement of condition (4), all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims(s) that have novelty, inventive step, and industrial applicability in the PCT application(s). However, this submission with respect to the Claims Correspondence Table indicates that Claims 1-21, in both the US application and the PCT application are described herein thusly "Claims are substantially the same, with only minor amendments for dependency and clarity. However, applicant has failed to ensure that all the claims in the U.S. application (currently amended claims filed October 15, 2010) sufficiently correspond to the allowable/patentable claims in the PCT application. US claim 10 requires "the progressive cavity motor, the drive shaft, the flow control valve assembly, the control motor, and the electronics section are disposed within the tool housing as an assembly, forming a tool housing annulus between the said assembly and a tool housing wall", while PCT claim 10 requires wherein, "the progressive cavity motor, drive shaft, flow control valve assembly, control motor, and electronics section are disposed within the tool housing, forming a tool housing annulus between said assembly and the tool housing wall; ". Accordingly, the scope of US claim 10 is different from the scope of PCT claim 10

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 Joan Olszewski at 571-272-7751.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of:
Prill et al.
Application No. 12/988,274
Filed: October 15, 2010
Attorney Docket No. 1814-54508

: 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 second request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed February 3, 2012, to make the above-identified application special.

A decision on the first request to participate in the Patent Prosecution Highway program and petition to make special under 37 CFR 1.102(a) was mailed February 1, 2012, requesting explanation regarding the Box VIII observations. Further, petitioner was notified that the scope of US Claim 10 is different from the scope of PCT claim 10.

Petitioner has satisfactorily responded to that requirement explanation of the Box VIII observations.

Further, petitioner asserts that "it is clear that the scope of claim 10 never changed". However, the PCT claim 10 wherein "the tool housing," is amended in US claim 10 to include "the tool housing as an assembly" does change the scope of the US claim 10 from that of PCT claim 10. Accordingly, the claims from the PCT application and the U.S. application do not sufficiently correspond.

Petitioner is permitted only two attempts to qualify to participate in the Patent Prosecution Highway (PCT-PPH) program and petition under 37 CFR 1.102(a).

Therefore the request and petition are **DENIED**.

Since, the request and petition do not qualify the above-identified application to participate in the (PCT-PPH) program, the application will await action in its regular turn.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at 571-272-7751.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Anthony Knight
Director
Office of Petitions

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MAR 28 2011

PCT LEGAL ADMINISTRATION

TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON TX 77057-2631

In re Application of	:	
BONTU, Chandra, et al.	:	
Application No.: 12/988,360	:	DECISION
PCT No.: PCT/US2009/041427	:	
Int. Filing Date: 22 April 2009	:	ON PETITION UNDER
Priority Date: 22 April 2008	:	
Docket No.: NRT.0233US (19452ROUS09N)	:	37 CFR 1.47(a)
For: RESTRICTING HANDOVER OF A MOBILE STATION	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 04 January 2011.

BACKGROUND

On 04 November 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 04 January 2011, applicants filed this petition under 37 CFR 1.47(a), accompanied by a declaration of the inventors.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (2), (3) have been satisfied. The petition fee has been paid. A complete copy of the application papers were sent to the inventor's last known address, were forwarded and were delivered. Applicant states the last known address of Mr. Surya Tenneti as 6875 Valley Brook Drive, Frisco, TX 75035.

Item (4) has not been satisfied. The declaration is comprised on one page each of pages 1-3, but two supplemental pages 1 of 1, listing the same inventors, but separately executed. This indicates that at least two copies of the declaration were executed. While inventors are allowed

to execute separate copies of the oath or declaration, the complete copy of the oath or declaration executed by the inventor must be returned to the Office. The complete declaration of David Anderson in compliance with 37 CFR 1.497(a)-(b) must be submitted to the Office or a new oath of declaration submitted.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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JUN 13 2011

PCT LEGAL ADMINISTRATION

TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON TX 77057-2631

In re Application of	:	
BONTU, Chandra, et al.	:	
Application No.: 12/988,360	:	DECISION
PCT No.: PCT/US2009/041427	:	
Int. Filing Date: 22 April 2009	:	ON PETITION UNDER
Priority Date: 22 April 2008	:	
Docket No.: NRT.0233US (19452ROUS09N)	:	37 CFR 1.47(a)
For: RESTRICTING HANDOVER OF A MOBILE STATION	:	

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 11 April 2011.

BACKGROUND

On 28 March 2011, the Office mailed Decision On Petition Under 37 CFR 1.47(a) dismissing applicant's petition without prejudice and requesting complete copies of the declarations of the inventors.

On 11 April 2011, applicants filed this renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (2), (3) have been satisfied. The petition fee has been paid. A complete copy of the application papers were sent to the inventor's last known address, were forwarded and were delivered. Applicant states the last known address of Mr. Surya Tenneti as 6875 Valley Brook Drive, Frisco, TX 75035.

Item (4) has been satisfied. On 28 March 2011, applicants were requested to furnish a complete copy of the declaration of inventor Anderson. On 11 April 2011, applicants provided three pages of declaration for inventor Anderson. It is missing page 3 of 3 listing the first inventor and the statutory declaration. As set forth in MPEP 605.04(a), "an oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not

execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. >Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages)." The declarations of inventor Anderson do not appear to comply with this provision. The examiner may later request an oath or declaration in compliance with the above requirement.

Nevertheless, the 04 January 2011 and 18 October 2010 declarations are being accepted for compliance with 37 CFR 1.497(a)-(b).

The power of attorney filed 09 April 2011 is not signed by someone with apparent authority to bind the assignee and the individual does not certify that he has that authority. Further, the statement under 37 CFR 3.73 is signed with an s-signature, by a registered practitioner without use of his registration number. 37 CFR 1.4(d)(2)(ii).

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 **04 January 2011**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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JUN 13 2011

PCT LEGAL ADMINISTRATION

Surya Tenneti
6875 Valley Brook Drive
Frisco, TX 75035

In re Application of
BONTU, Chandra, et al.
Application No.: 12/988,360
PCT No.: PCT/US2009/041427
Int. Filing Date: 22 April 2009
Priority Date: 22 April 2008
Docket No.: NRT.0233US (19452ROUS09N)
For: RESTRICTING HANDOVER OF A MOBILE STATION

Dear Mr. Tenneti:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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JUN 03 2011

PCT LEGAL ADMINISTRATION

Kevin David Neale
43 Wiltshire Avenue
Swindon SN2 1NX
Great Britain

In re Application of
Perot et al.
Application No.: 12/988,366
PCT No.: PCT/IB2009/005523
Int. Filing Date: 14 April 2009
Priority Date: 16 April 2008
Attorney Docket No.: P-7092 (102-821 PCT/US)
For: Needle Protection Assembly

Dear Mr. Neale:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

David W. Highet, VP & Chief IP Counsel
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David W. Highet, VP & Chief IP Counsel
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Franklin Lakes NJ 07417-1880

MAILED

JUN 03 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
Perot et al.	:	
Application No.: 12/988,366	:	DECISION
PCT No.: PCT/IB2009/005523	:	
Int. Filing Date: 14 April 2009	:	ON
Priority Date: 16 April 2008	:	
Attorney Docket No.: P-7092 (102-821 PCT/US)	:	PETITION
For: Needle Protection Assembly	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 28 March 2011.

BACKGROUND

This international application was filed on 14 April 2009, claimed an earliest priority date of 16 April 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 03 December 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 18 October 2010 (since 16 October 2010 was a Saturday). Applicants filed *inter alia* the basic national fee on 18 October 2010.

On 12 November 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the $200.00 petition fee is being charged to counsel's Deposit Account no. 02-1666, as authorized in the petition.

Regarding **requirement (2)**, the "Statement Of Facts..." signed by Donna Baumann describes her efforts to obtain Mr. Neale's execution of the application. Ms. Baumann provides a copy of a letter (including a copy of the application and a declaration) sent to Mr. Neale's last known address on 16 December 2010, as well as courier tracking information showing its delivery. She also provides similar evidence related to correspondence sent on 24 January 2011, and subsequently returned. Based on the totality of the evidence of record, it would be appropriate to construe Mr. Neale's failure to return an executed declaration as a "refusal" within the meaning of 37 CFR 1.47(a).

Regarding **requirement (3)**, the "Statement Explaining Lack Of Signature..." indicates a last known address for the non-signing inventor.

Regarding **requirement (4)**, the declaration filed on 28 March 2011 satisfies this requirement.

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**,.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **28 March 2011**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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DeMont & Breyer, LLC
100 Commons Way, Ste. 250
Holmdel NJ 07733

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JUN 24 2011

PCT LEGAL ADMINISTRATION

In re Application of
WIMPENNY, Gerard
Application No. 12/988,400
International Filing Date: 09 April 2009
Attorney Docket No. 9811-011US

: DECISION DISMISSING PETITION
: UNDER 37 CFR 1.55(c)

This is a decision on the petition under 37 CFR 1.55(c), filed 04 January 2011, for acceptance of an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of the filing date of foreign United Kingdom Application No. 0807134.2, filed 18 April 2008.

The petition is **DISMISSED AS MOOT**.

Petitions under 37 CFR 1.55(c) are not applicable to national stage applications. A claim of foreign priority in a filing under 35 USC 371 is governed by 35 USC 365(b); 37 CFR 1.55(c) applies to claims under 35 USC 119(a)-(d) and 365(a).

Applicant requests the Office to acknowledge the claim of foreign priority (Great Britain application number 0807134.2, filed 18 April 2008 on the Official Filing Receipt. However, this priority claim is not contained in the international application.

37 CFR 1.55(a)(ii) states:

> In an application that entered the national stage from an international application after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and the Regulations under the PCT.

Section 1893.03(c) of the Manual of Patent Examining Practice (MPEP) states the following with regard to a priority claim in a national stage application:

> A national stage application which includes a priority claim under 35 U.S.C. 119(a) must refer to a priority application the priority of which was also claimed in the international application. ....
>
> If the 35 U.S.C. 119(a) priority claim in the national stage application is to an application the priority of which was not

> claimed in the international application, the claim for priority must be denied for failing to meet the requirements of the Patent Cooperation Treaty, specifically PCT Rule 4.10.

Because the priority claim here was not made in accordance with the conditions and requirements of the treaty and the Regulations, the applicant is not entitled to claim priority from Patent Application No. 0807134.2, filed in the United Kingdom on 18 April 2008.

It is also noted that, because the international application did not contain a priority claim, the 30-month date for commencement of the U.S. national stage under 35 U.S.C. 371(b) will not occur until 09 October 2011. Accordingly, the mailing of the Notice of Acceptance (Form PCT/DO/EO/903) on 11 January 2011 was premature and erroneously identifies the 371 Completion date as "12/17/2010" and priority date as "04/18/2008".

CONCLUSION

The petition under 37 CFR 1.55(c) is **DISMISSED AS MOOT**

The Notice of Acceptance (Form PCT/DO/EO/903) on 11 January 2011 is **VACATED**.

Any questions concerning this matter may be directed to Erin Thomson at (571) 272-3292.

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 Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Boris Milef/

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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JUN 24 2011

PCT LEGAL ADMINISTRATION

PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

In re Application of: WONDKA, Anthony, et al. :
U.S. Application No.: 12/988,469 :
PCT No.: PCT/US2009/041034 : DECISION
International Filing Date: 17 April 2009 :
Priority Date: 18 April 2008 :
Attorney's Docket No.: 023189.0118PTUS :
For: METHODS AND DEVICES FOR SENSING RESPIRATION AND CONTROLLING VENTILATOR FUNCTIONS :

This decision is issued in response to applicants' "PETITION UNDER 37 C.F.R. § 1.47" filed 06 May 2011.

BACKGROUND

On 17 April 2009, applicants filed international application PCT/US2009/041034. The international application claimed a priority date of 18 April 2008, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 18 October 2010.

On 18 October 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 09 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 06 May 2011, applicants filed a response to the Notification Of Missing Requirements (with required four-month extension fee). The response included payment of the required surcharge, a partially executed declaration, and a petition under 37 CFR 1.47. The petition seeks acceptance of the application without the signature of purported inventor Stephen ROSSI, whom applicants assert has refused to execute the application. However, Stephen ROSSI is not an inventor of record in the present application.

DISCUSSION

Section 1893.01(e) of the Manual of Patent Examining Procedure (MPEP) states as follows (emphasis added):

> **The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*.** See 37 CFR 1.41(a)(4). Accordingly, an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied. These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

The applicants of record in international application PCT/US2009/041034, as set forth in the published international application, are the following: Anthony WONDKA, Robert F. BRYAN, Mark MCCALL, Cuong Q. TRAN, and Lutz FREITAG. The subject of applicants' present petition under 37 CFR 1.47(a), Stephen ROSSI, was not an inventor of record in the international application as filed, nor is there any indication in the record that Mr. ROSSI was added as an inventor pursuant to PCT Rule 92bis. Accordingly, Stephen ROSSI is not an inventor of record in the present national stage application.

Because Stephen ROSSI is not an inventor of record in the present application, applicants' petition under 37 CFR 1.47 requesting acceptance of the declaration without the signature of Stephen ROSSI is appropriately dismissed as moot.

The declaration filed on 06 May 2011, which includes Stephen ROSSI as an inventor, is not acceptable under 37 CFR 1.497(a) and (b) for failure to properly identify the inventors of record. As stated in the MPEP paragraph quoted above, a declaration setting forth an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the national stage unless applicants have satisfied the requirements of 37 CFR 1.497(d), which applicants here have not done.

Finally, it is noted that the requirements of 37 CFR 1.497(d) include a signed statement of non-deceptive intent from the inventor to be added. Thus, any request by applicants to add Stephen ROSSI as an additional inventor of record in the present application would require a signed statement from Mr. ROSSI. As the present petition asserts that Mr. ROSSI has refused to execute the application, applicants may have difficulty obtaining the required statement. Applicants may therefore wish to consider filing a continuation application setting forth the correct inventive entity, presumably including Stephen ROSSI, which would avoid the need to correct the inventorship in the present application under 37 CFR 1.497(d) (see MPEP section 201.03).

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) requesting acceptance of the declaration without the signature of Stephen ROSSI is **DISMISSED AS MOOT**. Stephen ROSSI is not an inventor of record in the present national stage application.

The declaration filed on 06 May 2011 is not acceptable under 37 CFR 1.497(a) and (b) on the present record because it fails to properly identify the inventors of record.

Applicants are provided a time period of **ONE (1) MONTH** from the mailing of this decision to file a proper response. Such response must include an oath or declaration in compliance with 37 CFR 1.497. It is noted that, if applicants submit herein a revised declaration naming and executed only by the five inventors of record, such declaration must be accompanied by an explanation as to why the inventors executed the declaration filed on 06 May 2011 that included Stephen ROSSI as an additional inventor. In the alternative, if applicants seek consideration on the merits of the petition under 37 CFR 1.47 and acceptance of the declaration filed on 06 May 2011 (which included Stephen ROSSI as a non-signing inventor), then a grantable request under 37 CFR 1.497(d) to add Stephen ROSSI as an additional inventor of record must be provided.

Extensions of time are available under 37 CFR 1.136(a). Failure to file a proper response will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
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JAN 18 2011

PCT LEGAL ADMINISTRATION

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of WUSTENBERG et al. Application No.: 12/988,513 PCT No.: PCT/EP09/54186 Int. Filing Date: 08 April 2009 Priority Date: 11 April 2008 Attorney Docket No.: 4614-0231PUS2 For: MUCOSOMAL ALLERGEN-SPECIFIC IMMUNOTHERAPY WITH INITIAL DOSING AFTER START OF POLLEN SEASON	DECISION on PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 18 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" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has now been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating, *inter alia*, that 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
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ARLINGTON VA 22215

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NOV 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Patolsky et al.	:	
Application No. 12/988,517	:	DECISION ON PETITION
Filed: October 19, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 49414	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 27, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Boris Filanovsky's attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1728 for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED
NOV 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Patolsky et al.	:	
Application No. 12/988,518	:	DECISION ON PETITION
Filed: October 19, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 49417	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 27, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Boris Filanovsky's attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1729 for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: P-JW-US1	Application Number (if known): 12/988,520	Filing date: 10-18-2010

First Named Inventor: Jarrell Wenger

Title: Evaporative Cooling Tower Enhancement Through Cooling Recovery

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 /Gregory W. O'Connor/	Date November 12, 2010
Name (Print/Typed) Gregory W. O'Connor	Registration Number 28567

***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 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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DEC 17 2010

PCT LEGAL ADMINISTRATION

GREGORY W. O'CONNOR
4701 HOMESTEAD
LITTLETON CO 80123

In re Application of	:	
WEGNER, Jarrell	:	
Application No.: 12/988,520	:	
PCT No.: PCT/US2009/041056	:	
Int. Filing Date: 18 April 2009	:	DECISION
Priority Date: 18 April 2008	:	
Att. Docket No.: P-JW-US1	:	
For: EVAPORATIVE COOLING TOWER	:	
ENHANCEMENT THROUGH	:	
COOLING RECOVERY	:	

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 19 October 2010, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/988,520	04/08/2011	Jarrell Wenger	P-JW-US1	1292

28784 7590 05/11/2011
GREGORY W. O"CONNOR
4701 HOMESTEAD
LITTLETON, CO 80123

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
05/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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GREGORY W. O"CONNOR
4701 HOMESTEAD
LITTLETON CO 80123

In re Application of	:	
WENGER, JARRELL	:	DECISION ON PETITION
Application No. 12/988,520	:	TO MAKE SPECIAL UNDER
Filed: Oct. 19, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. P-JW-US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Nov. 11, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to green technology. This is not convincing. It is not clear how the claimed method of cooling water will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. There is no relationship between the statement and the claimed subject matter.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3744 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

Adapted from SBIR PHASE I Grant application to U.S. Environmental Protection Agency, Small Business Innovation Research Program, Solicitation NO. PR-NC-10-10251

PROPOSAL TITLE Enhanced Cooling Tower for Colder Water Production, Energy Savings and Reduced Evaporation

Annual US power consumption is nearly 4 x 10^9 MWh. The burning of coal for power production is a major source of atmospheric carbon dioxide; according to the Energy Information Administration, coal is used for about 50 percent of the US electricity production. Thermoelectric plants, fired by coal, nuclear and some other fuels, generate nearly 90 percent of the nation's power and operate at about 33 percent efficiency, rejecting 2/3 of the heat from energy consumed to the environment. According to a study by the National Renewable Energy Laboratory, thermoelectric plants are typically cooled by evaporative cooling towers, which consume on average 0.47 gallons of water per kWh produced, comprising about 3.3% of US fresh water consumption. Due to evaporation from reservoirs, hydroelectric power production consumes on average 18.0 gallons per kWh produced, resulting in combined average water consumption for power production of 2.0 gallons per kWh nationwide [1].

Building cooling is a significant consumer of electricity and hence contributor to atmospheric carbon dioxide; it is also a significant consumer of fresh water through evaporation as used for power production. Per the US DOE Buildings Energy Data Book, buildings consume 73% of America's 12.7 quads (12.7 x 10^{15} BTU) of delivered electricity, about half of that by residential buildings. Space cooling of residences consumes about 11% of the power produced for the residential sector. Commercial space cooling consumes over 8% of the power produced for that sector. Residential space cooling predominantly utilizes air-cooled heat rejection, which generally consumes substantially more electricity per unit of cooling produced than commercial systems using evaporative heat rejection through cooling towers. The Western Cooling Efficiency Center at UC Davis points out that considering the water required for power production (per the NREL study), the improved energy efficiency of evaporative systems for cooling can result in reduced overall water consumption relative to refrigerated cooling systems with dry heat rejection.

Although water is a renewable resource, many water sources across the arid western US do not currently meet the competing demands of agriculture, industry, power production, domestic and commercial uses, creating tremendous concern about future water availability. Building cooling is again prominent in this situation, with about 22% of residences and 18% of commercial floor space located in the Western US, according to the Buildings Energy Data Book. The arid climate in the western US makes evaporative heat rejection from large commercial cooling systems very attractive and can also make evaporative-only cooling (without refrigeration equipment) practical. Larger buildings across the US tend to utilize evaporative heat rejection; approximately 50% of commercial floor space is in buildings that are larger than 50,000 square feet. In spite of its overall energy and water efficiency advantage, evaporative heat rejection does create demands on local water supplies; the Denver Water Board estimates that 25% of the water that it supplies to commercial customers is consumed in cooling towers.

Based on initial analysis, the Enhanced Cooling Tower (ECT) has potential to reduce cooling energy consumption by about 10% for conventional systems with evaporative heat rejection to more than 50% if evaporative-only systems can be employed. Assuming a 10% market penetration in the western US for large commercial systems that predominately use evaporative heat rejection (9.3 quads of US electricity to buildings, 50% to commercial sector, 50% large buildings, 8% to cooling, 18% western US floorspace, 10% savings, 10% penetration), potential annual energy savings on the order of 3.3 x 10^{-4} quads are possible. For a 10% market penetration of the remaining commercial systems with evaporative-only systems (9.3 quads of US electricity to buildings, 50% to commercial sector, 50% small buildings, 8% to cooling, 18% western US floorspace, 50% savings, 10% penetration), annual energy savings on the order of 1.7 x 10^{-3} quads are possible. For a 10% market penetration of the residential market with evaporative-only systems replacing air-cooled refrigeration systems (9.3 quads of US electricity to buildings, 50% to residential sector, 11% to cooling, 22% western US households, 75% savings, 10% penetration), annual energy savings on the order of 9.6 x 10^{-3} quads are possible, for total possible savings of 1.2 x 10^{-2} quads. One study considers a scenario of 20% market penetration for evaporative cooling in new homes built in Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming from 2000 to 2020, and estimates savings of 2,135 GW hours and 1,473 MW in the year 2020 [2]. The above analysis does not consider the potential for non-conventional systems such as radiant cooling or emerging technologies such as desiccant dehumidification that could extend the application of the ECT to any climate.

1. "Consumptive Water Use for U.S. Power Production", NREL/TP-550-33904, P. Torcellini, N. Long, and R. Judkoff, December 2003
2. "Evaporative Cooling Policy and Program Options: Promising Peak Shaving in a Growing Southwest", Southwest Energy Efficiency Project, 2003

In re Application of: Jarrell WENGER

Application No. 12/988,520

US Filing Date: 18 October, 2010 (International Filing Date: 18 April 2009)

Title: EVAPORATIVE COOLING TOWER PERFORMANCE ENHANCEMENT THROUGH COOLING RECOVERY

Thursday, June 9, 2011

Request for Reconsideration of Decision dated May 11, 2011 under the Greentech program:

Commissioner of Patents:

In the Decision on Petition dated May 11, 2011, the office states in so many words that the application for special status under the Greentech program meets the standard that the invention "materially contributes to: (1) The discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) greenhouse gas emission reduction.

Petitioner, Jarrell Wenger, does not agree with the decision. The petition as filed stated that the invention

> " . . . when operated in arid climates such as that of Denver, Colorado, depending on specific humidity conditions and loading, the inventions can result in cooling tower water production at temperatures that are 10°F lower than that of a conventional cooling tower, increasing the efficiency of and reducing the conventional energy input to refrigeration machinery or other water cooled processes."

It is Petitioner's position that a 10 degree reduction in cooling water results in material efficiency enhancements to reducing conventional energy input, meeting the requirement of materiality of points (2) and (3) above.

For example, Claim 1 of Petitioner's pending, published patent application states:

"1. A method of enhancing an evaporative cooling tower, the cooling tower having a flow of water, an air intake for receiving an air intake stream of ambient air, such that the flow of water is cooled by subjecting the flow of water to the air intake stream of ambient air and evaporating a portion of that flow of water, and an air exhaust for an air discharge stream and a portion of evaporated water from the flow of water carried by the air discharge stream, the method including

a) providing a closed cycle heat transfer system having a heat discharge portion and a heat sink portion,

b) subjecting the heat discharge portion to the air discharge stream and the portion of evaporated water,

c) subjecting the heat sink portion to the air intake stream of ambient air, whereby the heat is transferred to the air discharge stream and the air intake stream of ambient air is cooled by the closed cycle heat transfer system, reducing its wet bulb temperature and increasing the capability of the cooling tower to cool the flow of water."

This claim recites an essential aspect of Petitioner's innovation, which innovation ties directly to the phenomenon of increasing the capability of an evaporative cooling tower to provide a flow of cool water, that will lead to the more efficient utilization and conservation of energy sources, and will reduce the production of greenhouse gases.

However, to further support the showing of materiality of Petitioner's invention, attached please find a study (ECT_Energy Impact-2.pdf) based on a portion of an SBIR grant application authored by Petitioner, Jarrell Wenger, P. E. Mr. Wenger is a principal at Engineering Economics, Inc. and a LEED accredited professional. This document illustrates the materiality of Petitioner's invention. It uses publicly available figures for the amount of conventional energy (usually coal-powered thermoelectric plants) produced and used for conventional and evaporation-only cooling plants to show how much energy could be saved. Petitioner uses conservative estimates of market penetration in various scenarios to show the national and regional impact in terms of save watt-hours of electricity. Even not taking into account possible synergies with new and emerging energy production and cooling technologies, and using only regional (Western US, where dry air would help

with market acceptance), Petitioner's estimates of annual energy savings ". . . annual energy savings on the order of 9.6 x 10-3 quads are possible, for total possible savings of 1.2 x 10-2 quads." This estimated energy savings, 1.2 x 10^{-2} quads can also be expressed as 12 trillion BTU or 12 million MMBTU (1 MMBTU = 1 million BTU). This conservative estimate surely meets the materiality standard required for grant of Petitioner's Petition.

Also attached is the paper mentioned in the original petition: "Enhanced Cooling Tower for Colder Water, Energy Savings and Reduced Evaporation", by the inventor, published by the Cooling Technology Institute in February 2010. This document further supports the materiality requirement of the Petition, and demonstrates the feasibility and workability of the underlying technology. Note that this learned publication states that in some instances the decrease in cooling water temperature can eliminate the need for adding or operating existing refrigeration equipment, energy savings (over otherwise conventional cooling tower operating loads) ". . . cooling energy savings can range from 50% to more than 75%."

Petitioner, based on the above, respectfully requests reconsideration and grant of the Petition to Make Special under the Green Technology Pilot Program. If there are any questions or clarifications necessary, the Office is respectfully requested to phone the undersigned to discuss.

Respectfully submitted,

/Gregory W. O'Connor/
Gregory W. O'Connor, Reg. No. 28576,

Agent and Attorney for Applicant

Phone 303 797 9057
Fax 303 474 3170

geoconnor@comcast.net

PAPER NO: TP10-15

CATEGORY: ENERGY EVALUATION

COOLING TECHNOLOGY INSTITUTE

ENHANCED COOLING TOWER FOR COLDER WATER, ENERGY SAVINGS AND REDUCED EVAPORATION

JARRELL WENGER
ENGINEERING ECONOMICS, INC.

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Presented at the 2010 Cooling Technology Institute Annual Conference
Houston, Texas - February 7-11, 2010

Enhanced Cooling Tower for Colder Water, Energy Savings and Reduced Evaporation

Jarrell D. Wenger, P.E., Engineering Economics, Inc., Golden, Colorado

2010 Annual Conference, Houston, Texas, February 7-11, 2010

ABSTRACT

A novel two-stage evaporative cooling tower for dry ambient air conditions is described along with initial performance analysis results. A heat recovery system is utilized between the cooling tower discharge and intake to pre-cool warm and dry entering air to reduce its wet bulb temperature, dropping the theoretical cold water temperature limit to the ambient dew point. For given ambient conditions, performance can be engineered through a combination of cooling tower component sizing and heat recovery effectiveness. Initial performance modeling predicts potential cold water temperatures well below ambient wet bulb. When operated to duplicate conventional cooling tower output for a given application, fan power savings of more than 50% can be achieved along with water consumption savings of more than 30%. If the enhanced cooling tower is operated as an evaporative chiller to displace refrigeration equipment, cooling energy savings can range from 50% to more than 75%.

INTRODUCTION

Two-stage evaporative cooling of air is recognized as viable and energy efficient technology for cooling buildings across the arid western and southwestern US.[1] Cooling towers for evaporative cooling of water are widely used to reject heat from large cooling systems, but only a single-stage process is utilized. The theoretical limit for the cold water temperature produced by a conventional cooling tower is the wet bulb temperature of the air entering the tower. For applications such as heat rejection from large building cooling systems, cooling towers are typically sized to achieve cold water temperature within approximately 5.6°C (10°F) of ambient wet bulb. AHRI standard rating conditions for chillers are 29.4°C (85°F) condenser water temperature at a wet bulb temperature of 25.6°C (78°F).[2] Cooling towers are typically not selected for less than a 2.8°C (5°F) approach to wet bulb temperature because the required cooling tower size increases dramatically.[3] If the ambient air entering the cooling tower could be cooled to reduce its dry bulb temperature and its wet bulb temperature, the performance of the cooling tower would improve in terms of the cold water temperature achieved and/or the energy and evaporation required. To make this performance improvement practically achievable, an economical heat sink for pre-cooling of the air entering the cooling tower has to be readily available.

DESCRIPTION

A novel, patent pending, enhanced cooling tower (ECT) has been conceived for two-stage evaporative cooling of water for the cooling of buildings or industrial processes in arid climates. Performance results from a limited parametric analysis of the ECT are described in terms of reduced cold water temperatures that can be achieved at full air flow. When the ECT is used to produce cold water temperatures equivalent to a conventional cooling tower, air flow requirements are reduced, for potential fan power savings and reduced evaporative water consumption.

The proposed cooling tower enhancement takes advantage of the fact that for many applications in dry ambient conditions, the discharge air from a conventional cooling tower, although essentially saturated with water vapor, is significantly cooler than the ambient air. The ECT utilizes the cool and moist air discharge from the cooling tower as the sink to pre-cool the warm dry air entering the cooling tower through application of a heat recovery system as shown in Figure 1 for an open cooling tower and Figure 2 for a closed cooling tower (evaporative fluid cooler). The process within the cooling tower is shifted down in temperature, further reducing the temperature of the discharge air relative to the conventional cooling tower. It can be shown that the theoretical limit for the cold water temperature produced by this ECT becomes the dew point temperature of ambient air.

At the heart of the ECT is a conventional cooling tower, with performance dependent on entering wet bulb temperature. The performance improvement potential for the ECT over a conventional cooling tower is dependent on low discharge air temperature from the conventional cooling tower component relative to ambient dry bulb temperature. Appropriate ambient conditions for the ECT can be described as having substantial wet bulb depression (large difference between wet bulb and dry bulb temperatures). Discharge temperatures can be further reduced by reduced loading (increased size) of the conventional cooling tower. A high effectiveness heat recovery system operating between the entering air and discharge air cools the entering air to a dry bulb temperature approaching that of the discharge air and concurrently reduces the wet bulb temperature of the air entering the conventional cooling tower component. For a given process in given ambient conditions, the performance of the ECT can be engineered, within limits, through sizing of the conventional cooling tower component and through effectiveness of the heat recovery system.

ANALYSIS

Analysis of the ECT concept was performed using standard psychrometric properties and performance curves for a commercially available cooling tower selected for a 5.6 °C (10°F) approach to wet bulb when operating with entering air of 21.1°C (70°F) wet bulb and at a 6.7°C (12°F) range (difference between inlet and outlet water temperatures). When this cooling tower is operated at a 5.6°C (10°F) range and at a 2.2°C (4°F) range, its approach to wet bulb is approximately 5°C (9°F) and 2°C (4°F) respectively. For given ambient air conditions and loading (water flow and range), cooling tower discharge air temperature was calculated from an energy balance on air versus water streams by assuming a saturated discharge air condition. Modified entering air conditions were then calculated from ambient conditions, discharge temperature and heat recovery effectiveness. Since discharge air temperature is further reduced for the modified entering air conditions, an iterative calculation procedure was required to determine final entering air conditions and resultant cold water temperature. Humidity ratios at entering and discharge conditions were used to calculate evaporation rates. Additional analysis used reduced speed cooling tower performance curves to determine the air flow required to maintain ECT cold water temperature equivalent to that of a standard cooling tower. The air flow rate was reduced for the energy balance calculation in each successive iteration until convergence on the cold water temperature was achieved.

PERFORMANCE

Figure 3 is a psychrometric chart showing analysis results of the air side processes for the commercially available cooling tower described above at full air flow, with 5.6°C (10°F) range loading and operated in ambient conditions of 37.8°C (100°F) dry bulb and 21.1°C (70°F) wet bulb (16.7°C (30°F) wet bulb depression). The rightmost curve is for a standard cooling tower, which follows the process from the ambient condition (1), adding heat and moisture to arrive at the outlet condition (2) and generating 26.0°C (78.8°F) cold water. The central curve is for the same ambient conditions, but the cooling tower is enhanced with a 50% effectiveness heat recovery system and generates 24.7°C (76.4°F) cold water. The air side process for the ECT with 50% effectiveness heat recovery starts at the ambient condition (1); the air is sensibly cooled through the inlet heat recovery coil to the inlet condition of the conventional cooling tower component (3); heat and moisture are added in the cooling tower to reach the outlet condition (4); the air is sensibly heated through the outlet heat recovery coil to reach the discharge condition (5). The leftmost curve is for the cooling tower enhanced with a 75% effectiveness heat recovery system, which generates 23.8°C (74.8°F) cold water. The air side process for the ECT with 75% heat recovery is similar to that for the 50% effectiveness ECT, but the inlet condition (6) to the conventional cooling tower component is cooler, as is the outlet condition (7), with the discharge condition (8) being warmer.

Figure 4 is a similar psychrometric chart for the same cooling tower at full air flow in the same ambient conditions, but with its load reduced to a 2.2°C (4°F) range. Cold water is produced at 23.3°C (73.9°F), 20.9°C (69.6°F) and 19.6°C (67.2°F) for the standard, 50% effectiveness and 75% effectiveness

configurations respectively. It should be noted that the cold water temperatures produced by the ECT examples in Figure 4 is below the ambient wet bulb temperature in both cases.

Figure 5 is a similar psychrometric chart for the same cooling tower in the same ambient conditions, with 5.6°C (10°F) range loading, but operated with variable air flow to maintain cold water temperature equal to that of the standard cooling tower. Cold water is produced at 26.2°C (79.2°F), with air flow at 100%, 81% and 75% for the standard, 50% effectiveness and 75% effectiveness configurations respectively. The air side process for the ECT with 50% effectiveness heat recovery starts at the ambient condition (1); the air is sensibly cooled through the inlet heat recovery coil to the inlet condition of the conventional cooling tower component (3); heat and moisture are added in the cooling tower to reach the outlet condition (4); the air is sensibly heated through the outlet heat recovery coil to reach the discharge condition (5). The air side process for the ECT with 75% heat recovery is similar to that for the 50% effectiveness ECT, but the inlet condition (6) to the conventional cooling tower component is cooler, the outlet condition (7) is slightly cooler and the discharge condition (8) is warmer. The outlet conditions for the ECTs are within 0.1°C (0.1°F) of that for the standard cooling tower, so a single outlet point is shown on the chart for clarity.

Figure 6 is a similar psychrometric chart for the same cooling tower in the same ambient conditions, operated with variable air flow to maintain cold water temperature equal to that of the standard cooling tower, but with its load reduced to a 2.2°C (4°F) range. Cold water is produced at 23.5°C (74.3°F), with air flow at 100%, 57% and 49% for the standard, 50% effectiveness and 75% effectiveness configurations respectively. The outlet conditions for the ECTs are within 0.3°C (0.5°F) of that for the standard cooling tower, so a single outlet point is shown on the chart for clarity.

Figure 7 shows analysis results in the form of cooling tower performance curves for the water side of the same cooling tower with the 5.6°C (10°F) range and 75% effectiveness heat recovery over ambient conditions from 11.1°C (20°F) wet bulb depression to 22.2°C (40°F) wet bulb depression. Also shown is the evaporation rate relative to the standard cooling tower operating in the same ambient conditions. Figure 8 shows similar results for the cooling tower with 2.2°C (4°F) range loading. For this reduced loading condition, operation at conditions of at least 11.1°C (20°F) wet bulb depression generally achieves cold water temperatures below ambient wet bulb.

If the ECT is operated at a reduced air flow to duplicate the output cold water temperature of a conventional cooling tower in a given application, the performance modeling indicates potential for significant fan speed (and hence power) reduction along with similar reduction in evaporation relative to the standard cooling tower. Figure 9 shows the variable air flow results for the same cooling tower discussed above with the 5.6°C (10°F) range and 75% effectiveness heat recovery, for ambient conditions from 11.1°C (20°F) wet bulb depression to 22.2°C (40°F) wet bulb depression. Figure 10 shows similar results for the cooling tower with 2.2°C (4°F) range loading. With fan speed directly related to air flow and fan power related to the cube of speed, substantial power reductions are possible, even with allowance for increased airflow resistance through the heat recovery system.

Evaporation results depicted in Figures 7 and 8 are relative to the standard cooling tower operating under the same conditions. Table 1 shows the evaporative water consumption per unit of cooling for the standard cooling tower and the ECT for full air flow operation as depicted in Figures 7 and 8, at ambient conditions of 21.1°C (70°F) wet bulb. Even with colder water production, the ECT evaporative water consumption is moderated relative to that of the standard cooling tower, especially at conditions of high wet bulb depression and/or light loading.

Evaporation results depicted in Figures 9 and 10 are essentially identical numerically to the variable air flow results and are relative to the standard cooling tower operating under the same conditions. Table 2 shows evaporative water consumption per unit of cooling for the standard cooling tower and the ECT

when producing the same temperature cold water, at ambient conditions of 21.1°C (70°F) wet bulb. The ECT evaporative water consumption is relatively independent of ambient conditions and loading, and is substantially less than that of the standard cooling tower, especially when operating under dry conditions and/or light loading.

Besides loading and wet bulb depression, the power draw of the ECT relative to a conventional cooling tower is dependent on heat recovery system sizing and pressure drop, which has not been studied in detail. For conventional water-cooled building cooling systems, cooling towers typically draw around 10% of overall system power. Even if the heat recovery equipment doubles the pressure drop and fan power requirement of the ECT relative to a conventional cooling tower, production of colder condenser water by the ECT can still result in savings in refrigeration compressor power that are much greater than the increased fan power draw. Partial displacement of refrigeration equipment operation by the ECT will result in additional annual cooling system energy savings that are dependant on loading and climatic conditions. If the ECT can completely eliminate the need for refrigeration equipment, overall cooling energy savings can range from more than 50% (relative to systems with evaporative heat rejection) to more than 75% (relative to systems with dry heat rejection). For production of cold water at temperatures equivalent to a standard cooling tower, ECT peak fan power of double the conventional cooling tower can still result in power reduction for operation at fan speeds of less than 80%, with power reduction of nearly 75% for operation at 50% speed.

Additional operating cost savings will result from reduced evaporative water consumption of the ECT relative to a conventional cooling tower used for refrigeration heat rejection. For evaporative-only cooling, water consumption of the ECT will be less than that of two-stage evaporative air cooling systems.

APPLICATION

The ECT is most appropriate for dry environments having a large number of hours with substantial wet bulb depression. Table 3 lists ASHRAE 0.4% cooling design conditions (0.4% of the hours of a typical year are warmer than the listed dry bulb temperature) with wet bulb depression of approximately 17°C (30°F) or more for a number of cities across the western and southwestern United States. These cities would generally be good candidates for application of the ECT. Figures 11 and 12 are psychrometric charts for Denver, Colorado and Phoenix, Arizona respectively, with annual hourly climatic data plotted along with wet bulb depression lines of 5.6°C (10°F), 11.1°C (20°F), 16.7°C (30°F) and 22.2°C (40°F). These figures show many hours at conditions of substantial wet bulb depression. Even though there are also many hours at conditions of lesser wet bulb depression, they tend to be at lower dry bulb temperatures, where building cooling loads will generally be reduced from those at design conditions.

The ECT can be used as a high performance alternative to conventional cooling towers, providing equivalent performance with reduced consumption of energy and water. If the ECT is operated to produce colder water than is available from a conventional cooling tower, that colder water can be used to increase output and/or efficiency of existing cooling systems, or to downsize the expensive refrigeration equipment in new systems. For appropriate climatic conditions, the ECT has potential to function as an evaporative chiller in lieu of operating refrigeration equipment. These strategies can result in substantial energy cost savings to offset the cost premium for the ECT. For situations where the cold water temperature achieved by the ECT is sufficient to meet all cooling needs without refrigeration equipment, substantial capital cost savings are possible in addition to the energy savings. If cold water temperature achieved by this evaporative chiller can not quite match that of a conventional chiller, the economic analysis must consider cost increases in other parts of the air conditioning system such as increased air delivery system capacity to circulate more (slightly warmer) air. An evaporative chiller configuration for residential cooling applications would have to be cost competitive with the mass-produced refrigeration

systems that are readily available. A residential unit would also have to be designed for mass production in an efficient, quiet and attractive package.

Commercially available multi-stage evaporative systems can be used in dry climates to cool airstreams without refrigeration.[4] However, this technology has only achieved slight market penetration for buildings across the arid western and southwestern US. The more conventional approach, indirect plus direct evaporative air cooling, can add significant moisture to the airstream of the building being cooled, partially counteracting the cooling effect and creating the potential for odors or microbiological growth in systems. Newer multi-stage technology can achieve air temperatures similar to the indirect plus direct systems without adding moisture to the airstream, but with the penalties of increased fan power, a bulkier package and higher cost. Both approaches only cool the airstream, so the cooled air must then be transported to the space requiring cooling through bulky ductwork. The evaporative equipment itself is typically located on rooftops, where it is often considered to be unsightly.

Others have proposed using cooling tower basin water to pre-cool entering air to reduce entering wet bulb temperature in order to enhance performance.[5] This strategy imposes significant additional load on the cooling tower, reducing available cooling tower capacity and consuming additional water through evaporation. The use of basin water for pre-cooling is counterproductive in an effort to reduce cold water temperature, as it loads the cooling tower (equivalent to operating at a higher range), which increases cold water temperature. The only means to achieve a significant reduction in cold water temperature is to reduce cooling tower loading to compensate for the pre-cooling load. Under conditions of significant wet bulb depression and reduced loading where the ECT performs especially well, the basin water pre-cooling strategy can consume 100% of the intended cooling tower capacity, leaving no potential for useful cooling production. Through use of discharge air as the heat sink for pre-cooling, ECT clearly outperforms this alternative strategy, with the downside to the ECT approach being the additional pressure drop of the discharge air stream coil that the fan must overcome.

Based on initial performance modeling, the ECT has potential to produce temperatures equivalent to those of the multi-stage evaporative air cooling approaches. The ECT itself can be at any convenient location and can be sized for residences, or scaled up for commercial applications. Since the ECT cools water rather than air, there is much more flexibility in transporting the cooling effect through piping (that is a fraction of the size of ductwork), to multiple and diverse loads over varying distances, ultimately cooling building spaces without adding moisture. Such centralized systems are typically used to cool large buildings or campuses with chilled water. Even if the ECT can not completely replace the chillers, it can replace the conventional cooling towers used for heat rejection from large central cooling plants and be used in place of the chillers in appropriate temperature and humidity conditions.

CONCLUSION

The ECT is a novel two-stage cooling tower for arid climates that utilizes a heat recovery system between the cooling tower discharge and intake to pre-cool warm and dry entering air to reduce its wet bulb temperature. Initial analysis indicates that he ECT can produce cold water at temperatures significantly below the ambient wet bulb, with a theoretical limit of the ambient dew point temperature. For given ambient conditions, performance can be engineered through a combination of cooling tower component sizing and heat recovery effectiveness. Lower cooling tower cold water temperature can significantly reduce refrigeration equipment energy consumption and may present the opportunity to displace some or all refrigeration equipment operation for substantial energy savings. If operated to produce cold water temperatures equivalent to a standard cooling tower, the ECT can operate at reduced air flow for fan power savings and reduced evaporative water consumption. The ECT has potential application in arid regions across the western United States and around the world. The inherent flexibility of water distribution for cooling gives the ECT advantages for over high performance evaporative air cooling systems for large cooling systems and even residential applications.

FUTURE DEVELOPMENT

To date, the ECT is a theoretical concept; so much additional development work is planned. To demonstrate the concept, prototypes will be constructed and tested. Various heat recovery technologies will be investigated for performance and suitability. Additional theoretical analysis is planned to refine component sizing and selection to optimize ECT performance for its various potential applications. Additional refined prototypes will be constructed and tested, with the ultimate goal of creating viable commercial products.

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Table 1 – Evaporation at Full Air Flow

	Wet Bulb Depression, °C (°F)		Evaporation, g/kJ (lb/MBTU)		Evaporation, g/kJ (lb/MBTU)
5.6°C (10°F) Range	11.1 (20)	Standard	0.479 (1.11)	75% ε ECT	0.421 (0.98)
	16.7 (30)	Standard	0.565 (1.31)	75% ε ECT	0.442 (1.03)
	22.2 (40)	Standard	0.648 (1.51)	75% ε ECT	0.475 (1.10)
2.2°C (4°F) Range	11.1 (20)	Standard	0.751 (1.75)	75% ε ECT	0.511 (1.19)
	16.7 (30)	Standard	0.966 (2.25)	75% ε ECT	0.588 (1.37)
	22.2 (40)	Standard	1.179 (2.74)	75% ε ECT	0.654 (1.52)

Operating conditions of 21.1°C (70°F) wet bulb temperature

Table 2 – Evaporation at Standard Cold Water Temperature

	Wet Bulb Depression, °C (°F)		Evaporation, g/kJ (lb/MBTU)		Evaporation, g/kJ (lb/MBTU)
5.6°C (10°F) Range	11.1 (20)	Standard	0.479 (1.11)	75% ε ECT	0.410 (0.95)
	16.7 (30)	Standard	0.565 (1.31)	75% ε ECT	0.424 (0.99)
	22.2 (40)	Standard	0.648 (1.51)	75% ε ECT	0.433 (1.01)
2.2°C (4°F) Range	11.1 (20)	Standard	0.751 (1.75)	75% ε ECT	0.446 (1.04)
	16.7 (30)	Standard	0.966 (2.25)	75% ε ECT	0.451 (1.05)
	22.2 (40)	Standard	1.179 (2.74)	75% ε ECT	0.463 (1.08)

Operating conditions of 21.1°C (70°F) wet bulb temperature

Table 3 – ASHRAE 0.4% Design Temperatures[6]

State	City	Dry Bulb, °C (ºF)	Wet Bulb, °C (ºF)	Wet Bulb Depression, °C (ºF)
Arizona	Phoenix	43.3 (110)	21.1 (70)	22.2 (40)
	Tucson	40.0 (104)	18.3 (65)	21.7 (39)
California	Burbank	36.7 (98)	20.6 (69)	16.1 (29)
	Fresno	39.4 (103)	21.7 (71)	17.8 (32)
	Sacramento	37.8 (100)	20.6 (69)	17.2 (31)
Colorado	Denver	33.9 (93)	15.6 (60)	18.3 (33)
	Eagle	31.1 (88)	14.4 (58)	16.7 (30)
	Grand Junct.	35.6 (96)	16.1 (61)	19.4 (35)
	Pueblo	36.1 (97)	16.7 (62)	19.4 (35)
Idaho	Boise	35.6 (96)	17.2 (63)	18.3 (33)
	Mount. Home	37.2 (96)	17.2 (63)	20.0 (36)
	Pocatello	33.9 (93)	16.1 (61)	17.8 (32)
Kansas	Garden City	37.8 (100)	20.6 (69)	17.2 (31)
Montana	Billings	33.9 (93)	16.7 (62)	17.2 (31)
	Bozeman	32.8 (91)	16.1 (61)	16.7 (30)
	Helena	32.2 (90)	15.6 (60)	16.7 (30)
Nevada	Elko	35.0 (95)	15.6 (60)	19.4 (35)
	Las Vegas	42.2 (108)	18.9 (66)	23.3 (42)
	Reno	35.0 (95)	15.6 (60)	19.4 (35)
	Winnemucca	36.1 (97)	15.6 (60)	20.6 (37)
New Mexico	Alamogordo	36.7 (98)	17.2 (63)	19.4 (35)
	Albuquerque	35.6 (96)	15.6 (60)	20.0 (36)
	Gallup	31.7 (89)	13.9 (57)	17.8 (32)
	Roswell	36.7 (98)	18.3 (65)	18.3 (33)
Oregon	Pendleton	36.1 (97)	17.8 (64)	18.3 (33)
South Dakota	Rapid City	35.0 (95)	18.3 (65)	16.7 (30)
Texas	El Paso	38.3 (101)	17.8 (64)	20.6 (37)
	Lubbock	36.1 (97)	19.4 (67)	16.7 (30)
Utah	Cedar City	33.9 (93)	15.0 (59)	18.9 (34)
	Ogden	33.9 (93)	16.1 (61)	17.8 (32)
	Salt Lake City	35.6 (96)	16.7 (62)	18.9 (34)
Washington	Hanford	37.8 (100)	19.4 (67)	18.3 (33)
	Spokane	33.3 (92)	16.7 (62)	16.7 (30)
	Walla Walla	36.7 (98)	18.9 (66)	17.8 (32)
Wyoming	Casper	33.3 (92)	15.0 (59)	18.3 (33)
	Cheyenne	30.6 (87)	14.4 (58)	16.1 (29)
	Rock Springs	30.0 (86)	12.2 (54)	17.8 (32)

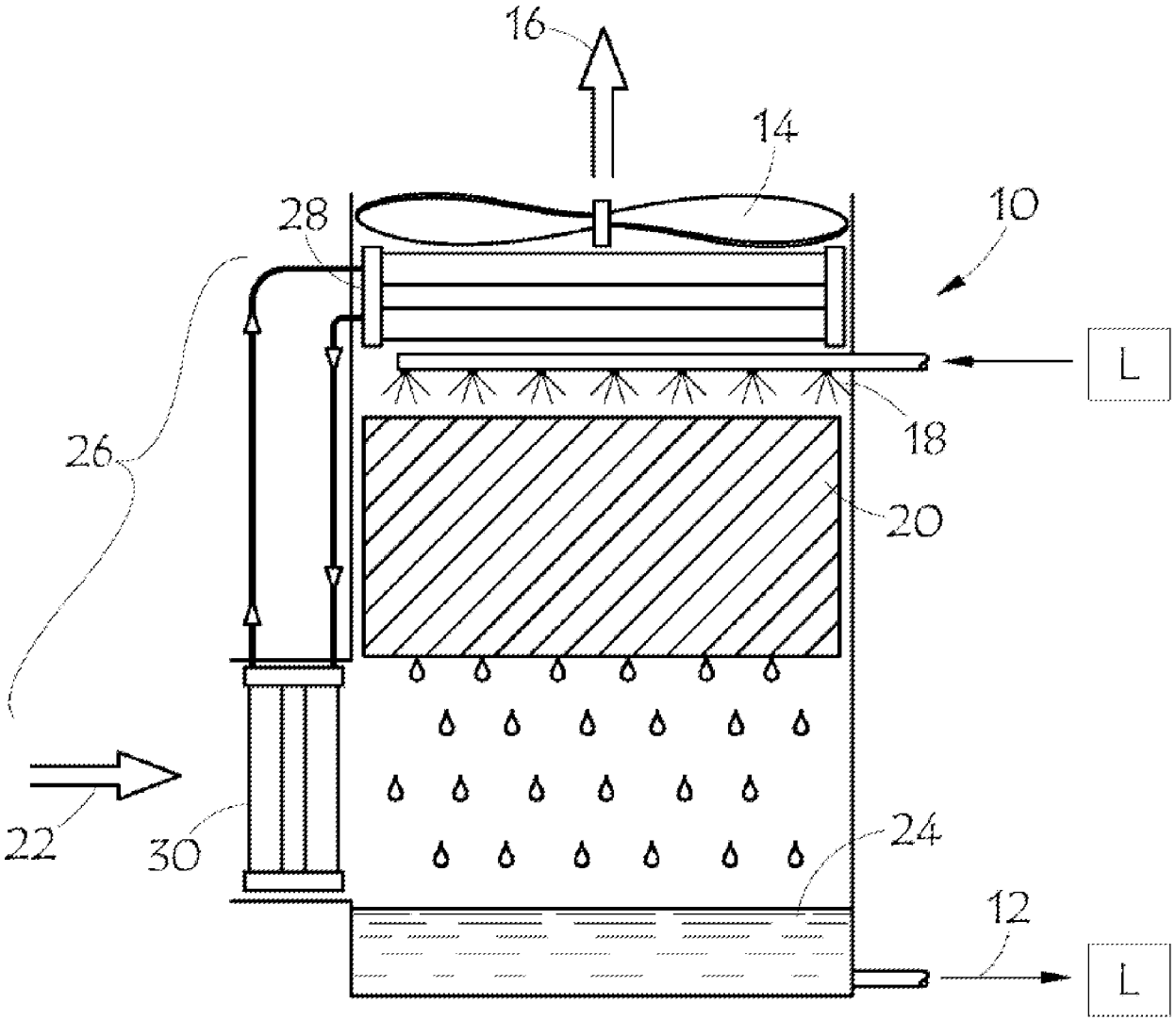


Figure 1

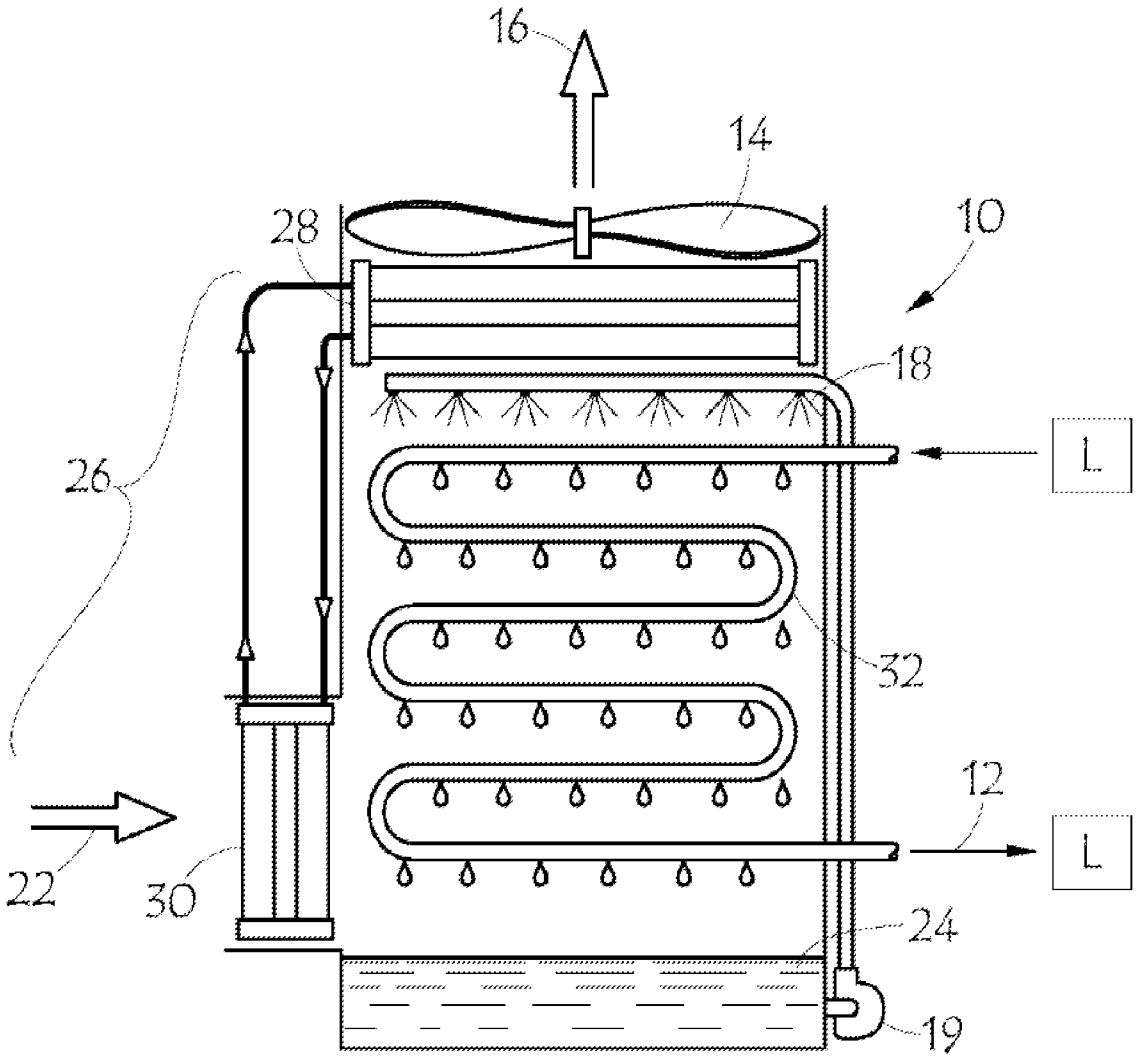
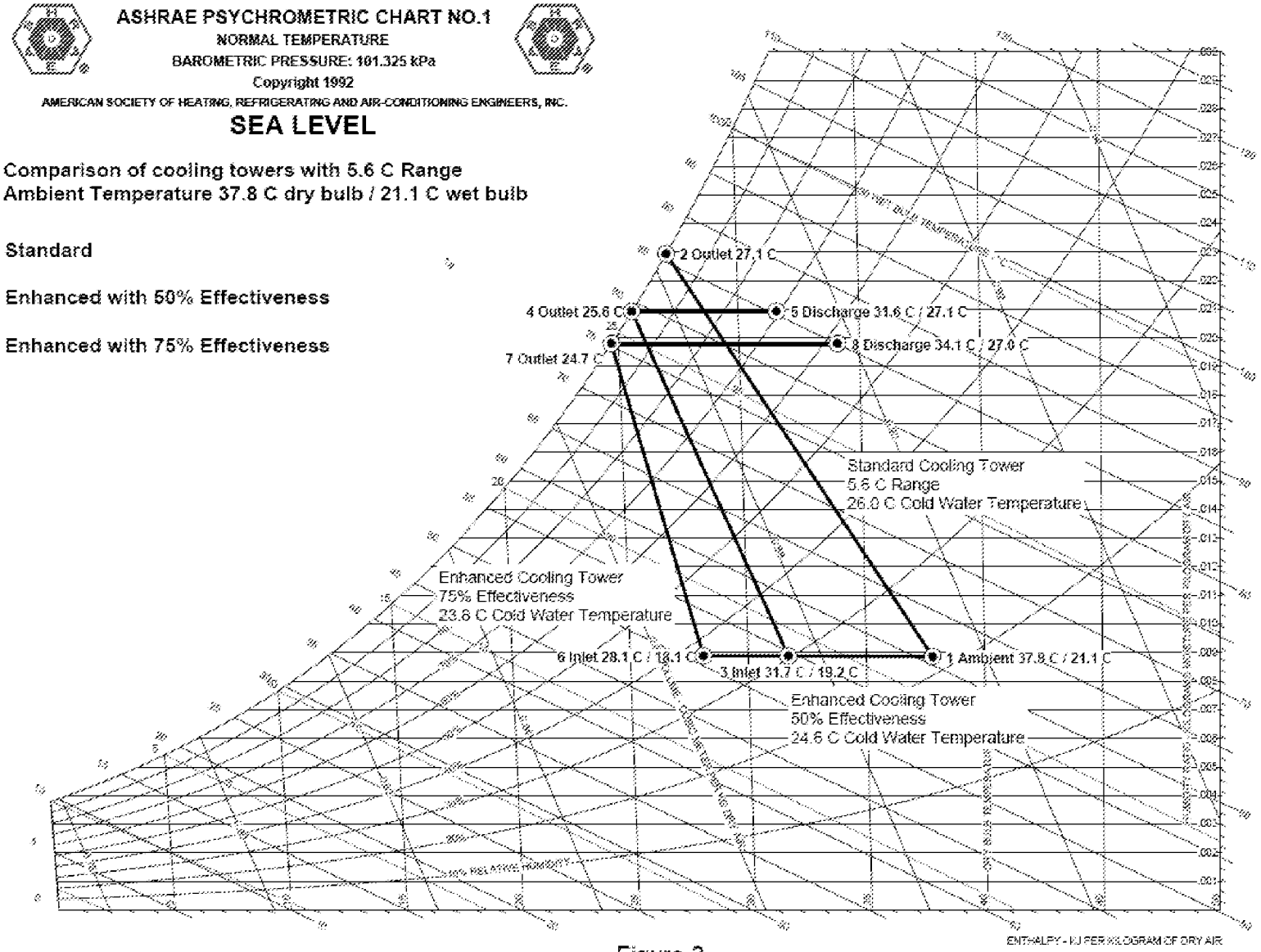


Figure 2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NORMAL TEMPERATURE
BAROMETRIC PRESSURE: 101.325 kPa
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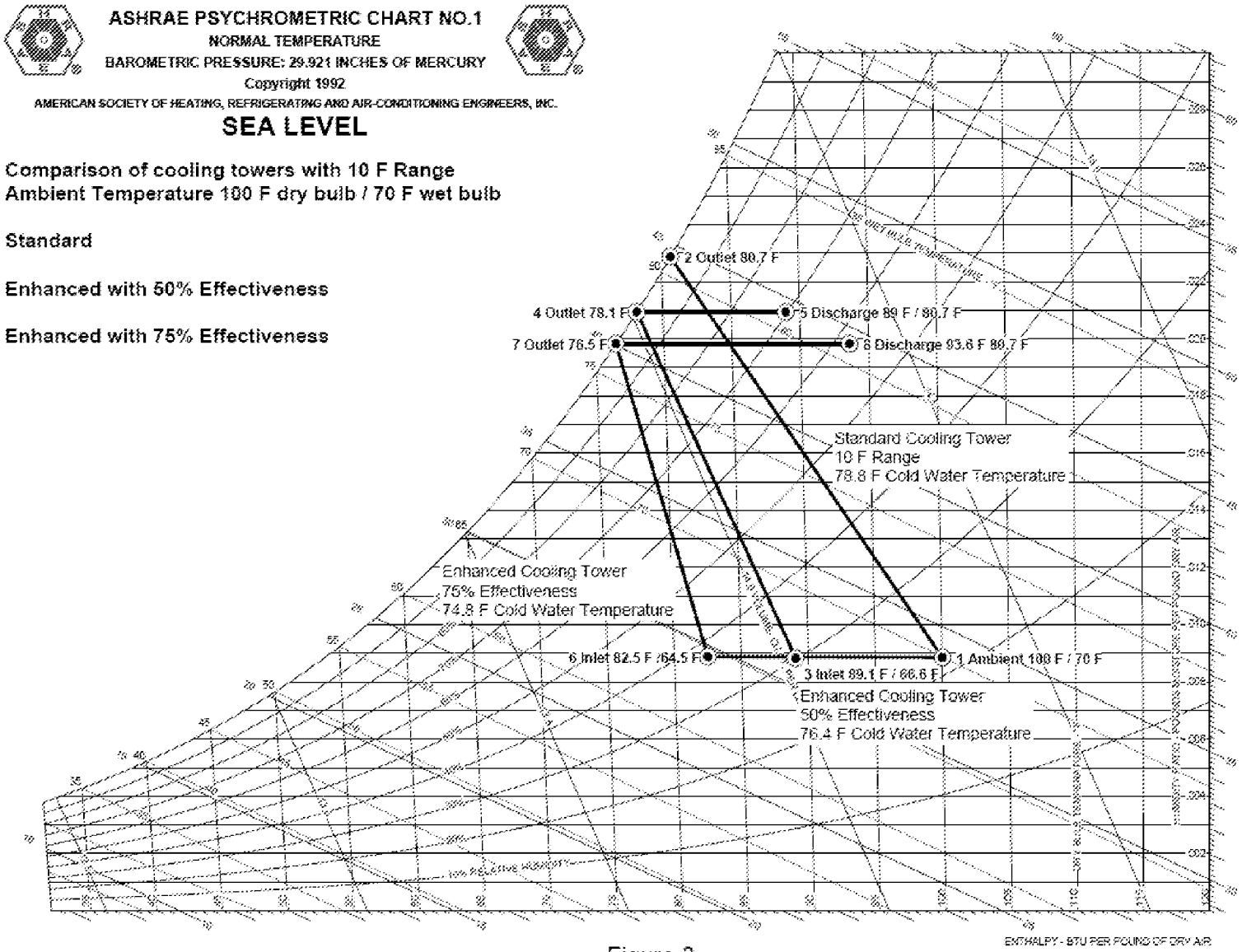
SEA LEVEL
Comparison of cooling towers with 5.6 C Range
Ambient Temperature 37.8 C dry bulb / 21.1 C wet bulb
Standard
Enhanced with 50% Effectiveness
Enhanced with 75% Effectiveness
2 Outlet 27.1 C
4 Outlet 25.6 C
5 Discharge 31.6 C / 27.1 C
7 Outlet 24.7 C
8 Discharge 34.1 C / 27.0 C
Standard Cooling Tower
5.6 C Range
26.0 C Cold Water Temperature
Enhanced Cooling Tower
75% Effectiveness
23.6 C Cold Water Temperature
6 Inlet 28.1 C / 18.1 C
3 Inlet 31.7 C / 19.2 C
1 Ambient 37.8 C / 21.1 C
Enhanced Cooling Tower
50% Effectiveness
24.6 C Cold Water Temperature
ENTHALPY - KJ PER KILOGRAM OF DRY AIR

Figure 3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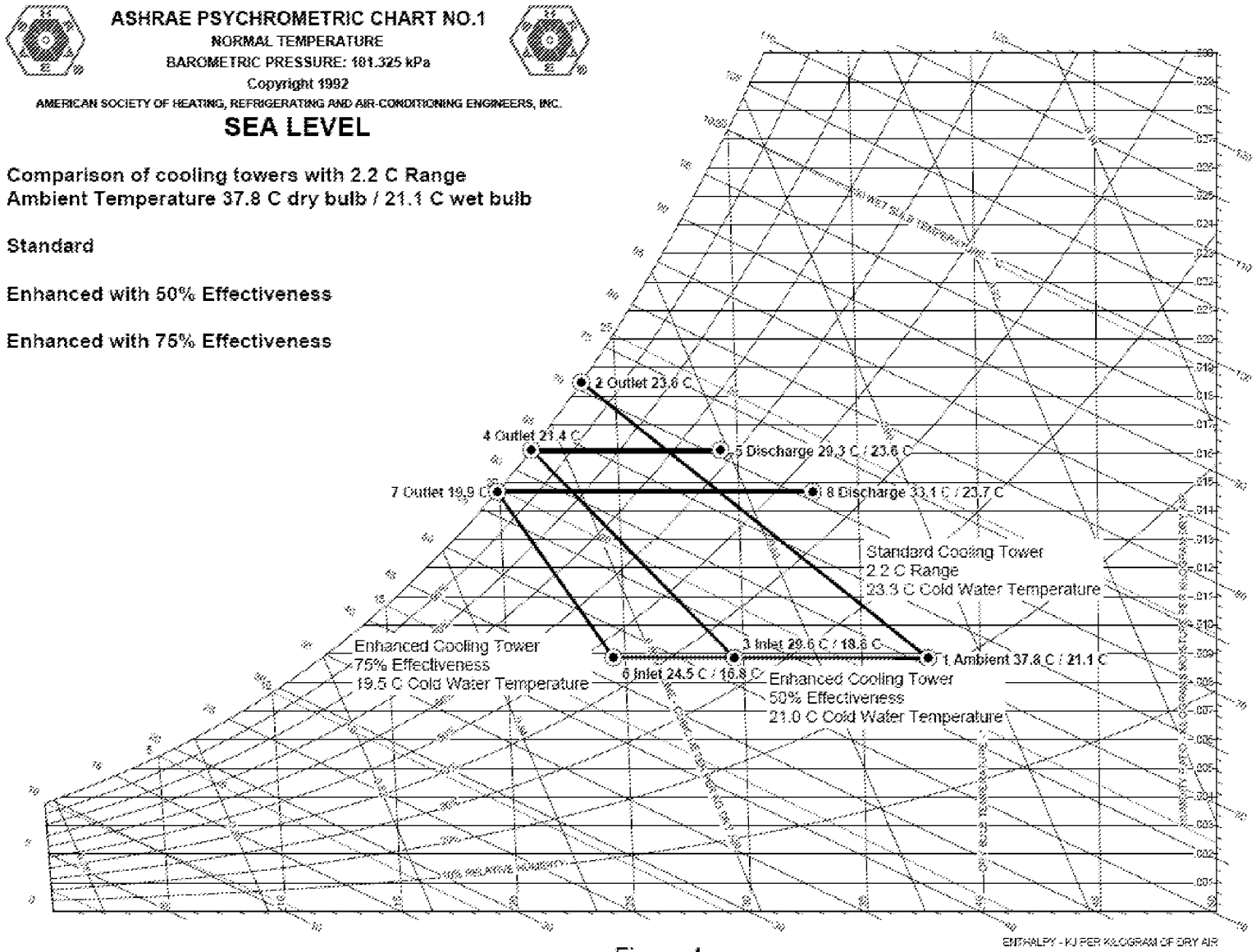
AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS, INC.
SEA LEVEL
Comparison of cooling towers with 10 F Range
Ambient Temperature 100 F dry bulb / 70 F wet bulb
Standard
Enhanced with 50% Effectiveness
Enhanced with 75% Effectiveness
2 Outlet 80.7 F
4 Outlet 78.1 F
5 Discharge 89 F / 80.7 F
7 Outlet 76.5 F
8 Discharge 93.6 F 80.7 F
Standard Cooling Tower
10 F Range
78.8 F Cold Water Temperature
Enhanced Cooling Tower
75% Effectiveness
74.8 F Cold Water Temperature
6 Inlet 82.5 F / 64.5 F
3 Inlet 89.1 F / 66.6 F
1 Ambient 100 F / 70 F
Enhanced Cooling Tower
50% Effectiveness
76.4 F Cold Water Temperature
ENTHALPY - BTU PER POUND OF DRY AIR

Figure 3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BAROMETRIC PRESSURE: 101.325 kPa
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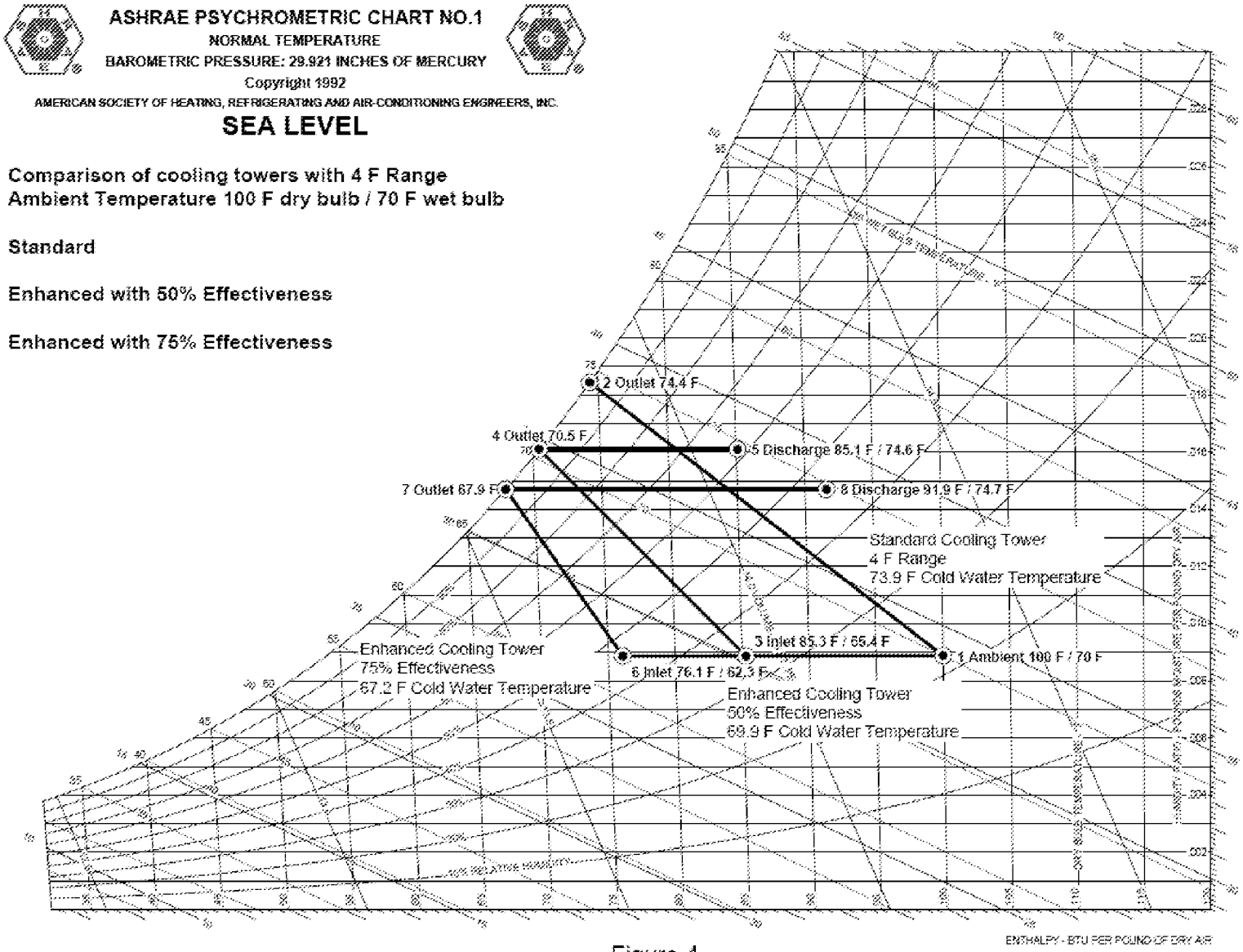
SEA LEVEL
Comparison of cooling towers with 2.2 C Range
Ambient Temperature 37.8 C dry bulb / 21.1 C wet bulb
Standard
Enhanced with 50% Effectiveness
Enhanced with 75% Effectiveness
2 Outlet 23.6 C
4 Outlet 21.4 C
5 Discharge 29.3 C / 23.6 C
7 Outlet 19.9 C
8 Discharge 33.1 C / 23.7 C
Standard Cooling Tower
2.2 C Range
23.3 C Cold Water Temperature
Enhanced Cooling Tower
75% Effectiveness
19.5 C Cold Water Temperature
3 Inlet 29.6 C / 18.8 C
6 Inlet 24.5 C / 16.8 C
1 Ambient 37.8 C / 21.1 C
Enhanced Cooling Tower
50% Effectiveness
21.0 C Cold Water Temperature
ENTHALPY - KJ PER KILOGRAM OF DRY AIR

Figure 4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SEA LEVEL
Comparison of cooling towers with 4 F Range
Ambient Temperature 100 F dry bulb / 70 F wet bulb
Standard
Enhanced with 50% Effectiveness
Enhanced with 75% Effectiveness
2 Outlet 74.4 F
4 Outlet 70.5 F
5 Discharge 85.1 F / 74.6 F
7 Outlet 67.9 F
8 Discharge 91.9 F / 74.7 F
Standard Cooling Tower
4 F Range
73.9 F Cold Water Temperature
Enhanced Cooling Tower
75% Effectiveness
67.2 F Cold Water Temperature
3 Inlet 85.3 F / 65.4 F
1 Ambient 100 F / 70 F
6 Inlet 76.1 F / 62.3 F
Enhanced Cooling Tower
50% Effectiveness
69.9 F Cold Water Temperature
ENTHALPY - BTU PER POUND OF DRY AIR

Figure 4

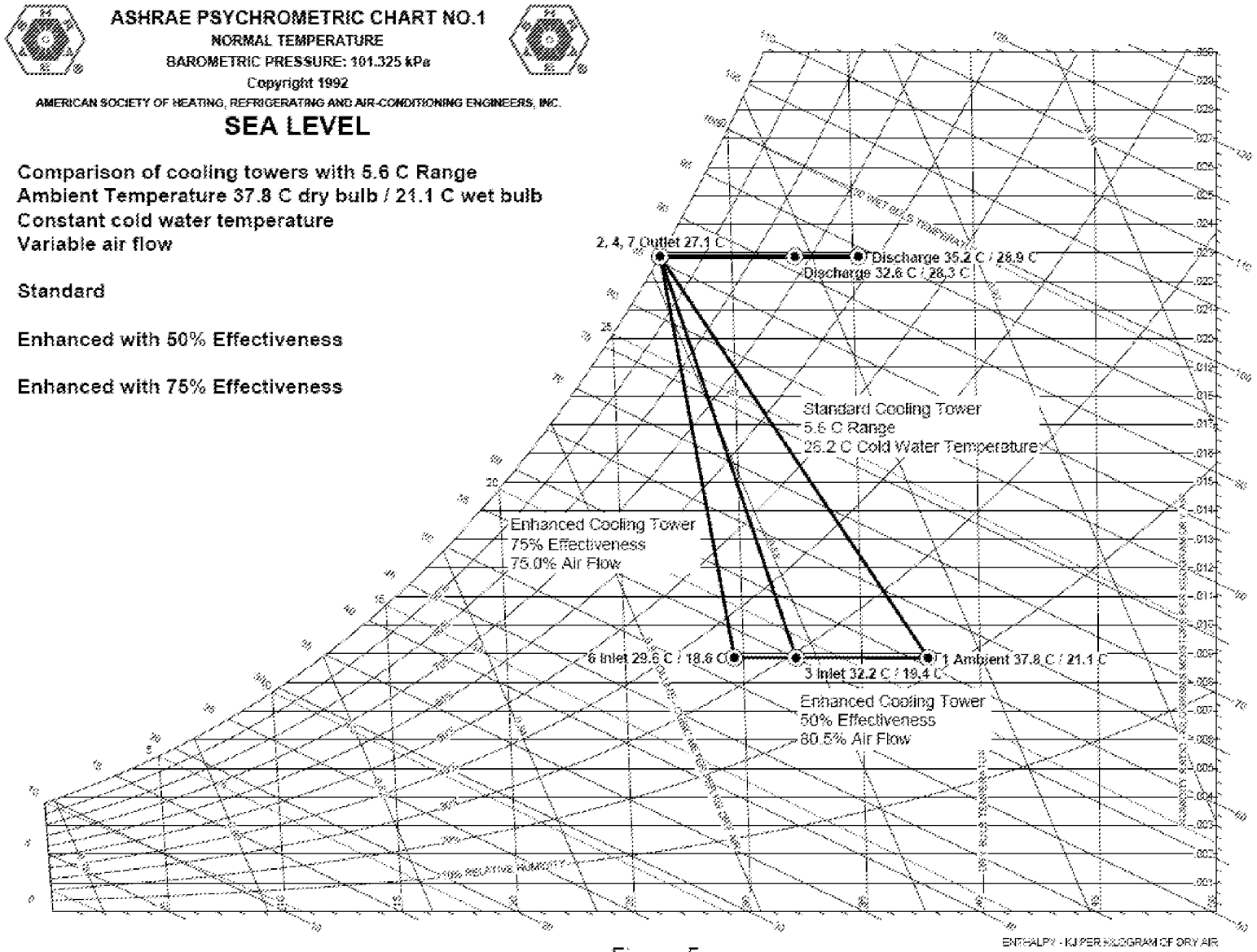

ASHRAE PSYCHROMETRIC CHART NO.1
NORMAL TEMPERATURE
BAROMETRIC PRESSURE: 101.325 kPa
Copyright 1992
AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS, INC.
SEA LEVEL
Comparison of cooling towers with 5.6 C Range
Ambient Temperature 37.8 C dry bulb / 21.1 C wet bulb
Constant cold water temperature
Variable air flow
Standard
Enhanced with 50% Effectiveness
Enhanced with 75% Effectiveness
2, 4, 7 Outlet 27.1 C
Discharge 35.2 C / 28.9 C
Discharge 32.6 C / 28.3 C
Standard Cooling Tower
5.6 C Range
26.2 C Cold Water Temperature
Enhanced Cooling Tower
75% Effectiveness
75.0% Air Flow
6 Inlet 29.6 C / 18.6 C
1 Ambient 37.8 C / 21.1 C
3 Inlet 32.2 C / 19.4 C
Enhanced Cooling Tower
50% Effectiveness
60.5% Air Flow
ENTHALPY - KJ PER KILOGRAM OF DRY AIR

Figure 5

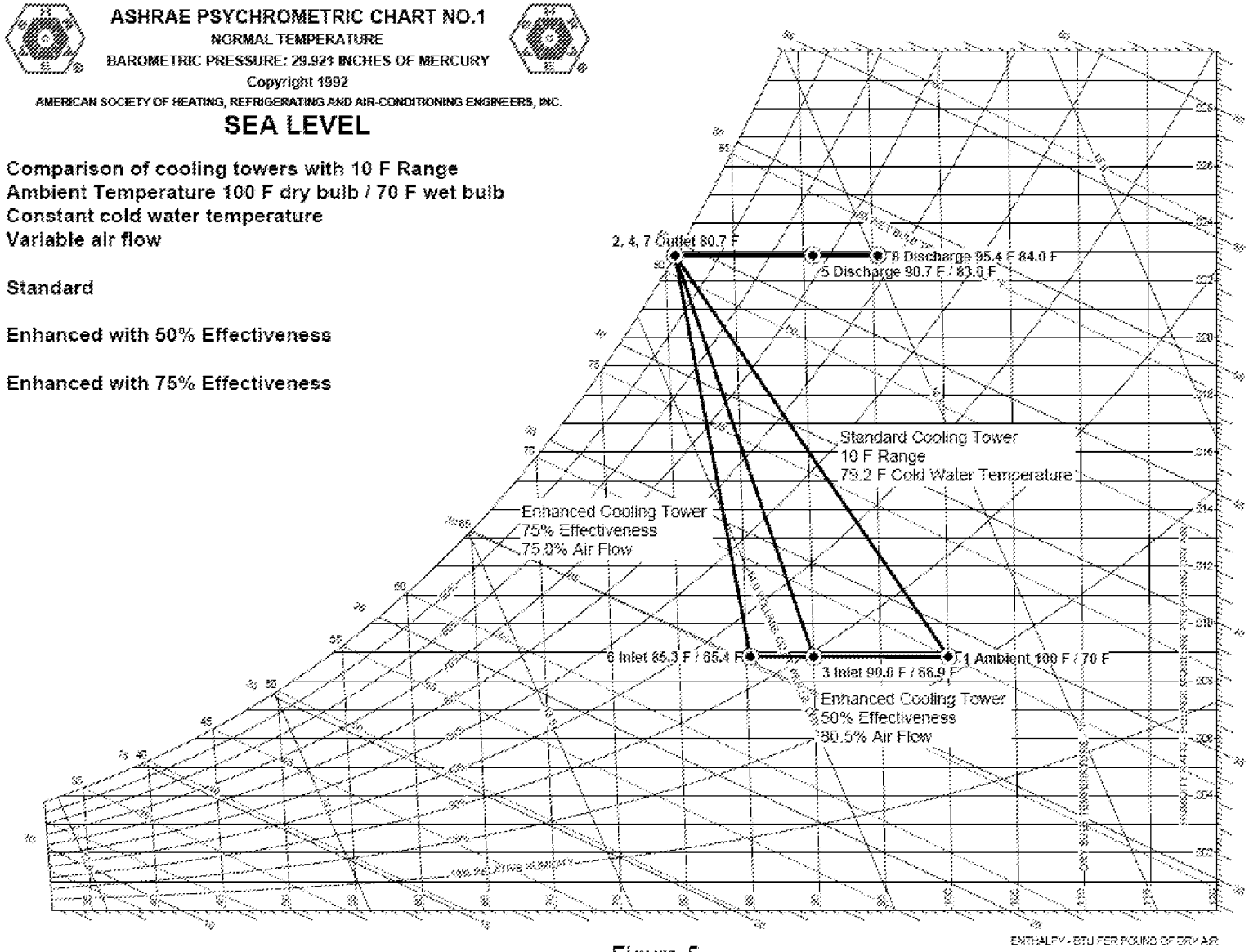

ASHRAE PSYCHROMETRIC CHART NO.1
NORMAL TEMPERATURE
BAROMETRIC PRESSURE: 29.921 INCHES OF MERCURY
Copyright 1992
AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS, INC.
SEA LEVEL
Comparison of cooling towers with 10 F Range
Ambient Temperature 100 F dry bulb / 70 F wet bulb
Constant cold water temperature
Variable air flow
Standard
Enhanced with 50% Effectiveness
Enhanced with 75% Effectiveness
2, 4, 7 Outlet 80.7 F
8 Discharge 95.4 F 84.0 F
5 Discharge 90.7 F / 83.0 F
Standard Cooling Tower
10 F Range
79.2 F Cold Water Temperature
Enhanced Cooling Tower
75% Effectiveness
75.0% Air Flow
6 Inlet 85.3 F / 65.4 F
3 Inlet 90.0 F / 66.9 F
1 Ambient 100 F / 70 F
Enhanced Cooling Tower
50% Effectiveness
80.5% Air Flow
ENTHALPY - BTU PER POUND OF DRY AIR

Figure 5

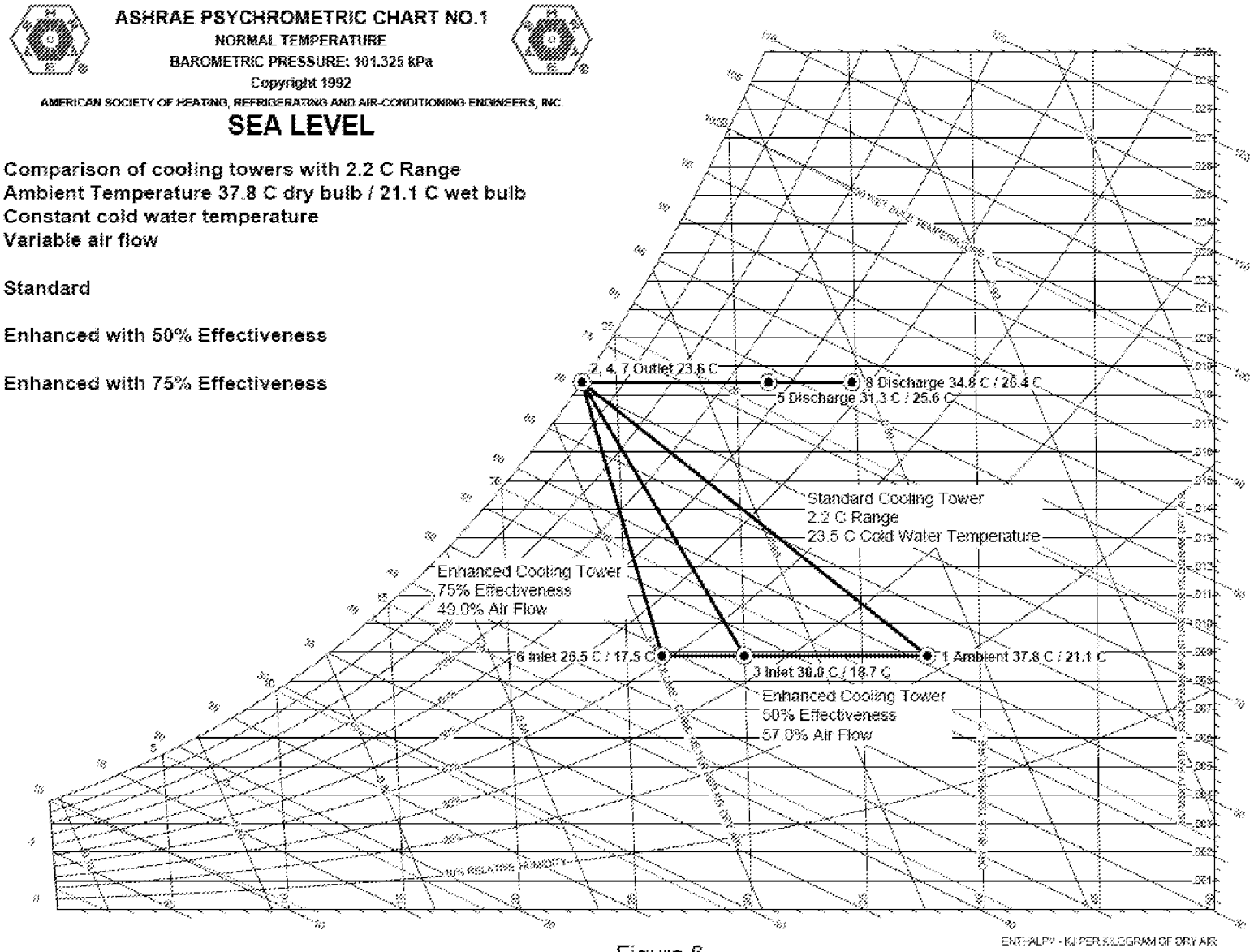

ASHRAE PSYCHROMETRIC CHART NO.1
NORMAL TEMPERATURE
BAROMETRIC PRESSURE: 101.325 kPa
Copyright 1992
AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS, INC.
SEA LEVEL
Comparison of cooling towers with 2.2 C Range
Ambient Temperature 37.8 C dry bulb / 21.1 C wet bulb
Constant cold water temperature
Variable air flow
Standard
Enhanced with 50% Effectiveness
Enhanced with 75% Effectiveness
2, 4, 7 Outlet 23.6 C
8 Discharge 34.8 C / 26.4 C
5 Discharge 31.3 C / 25.6 C
Standard Cooling Tower
2.2 C Range
23.5 C Cold Water Temperature
Enhanced Cooling Tower
75% Effectiveness
49.0% Air Flow
6 Inlet 26.5 C / 17.5 C
3 Inlet 30.0 C / 18.7 C
1 Ambient 37.8 C / 21.1 C
Enhanced Cooling Tower
50% Effectiveness
57.0% Air Flow
ENTHALPY - KJ PER KILOGRAM OF DRY AIR

Figure 6

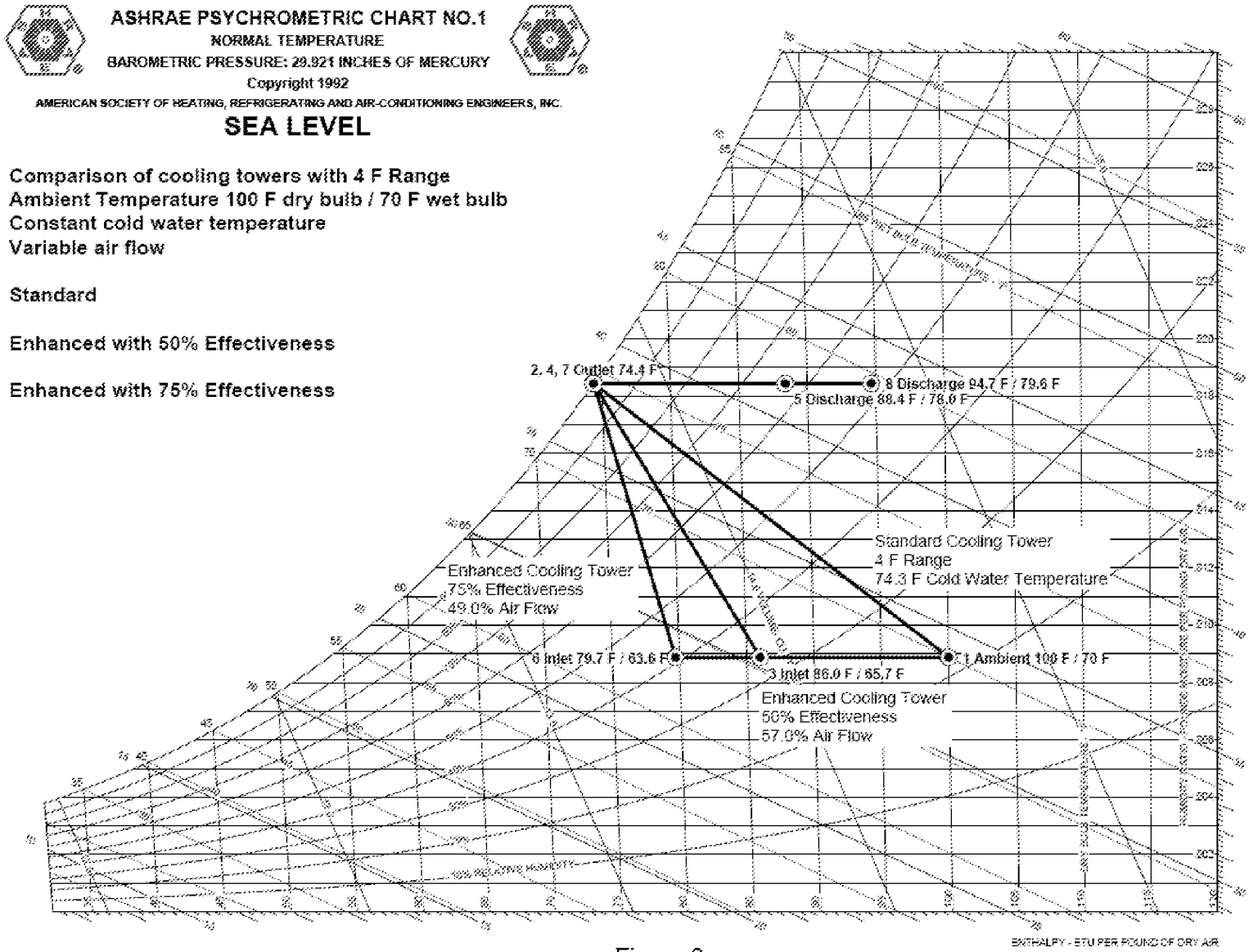

ASHRAE PSYCHROMETRIC CHART NO.1
NORMAL TEMPERATURE
BAROMETRIC PRESSURE: 29.921 INCHES OF MERCURY
Copyright 1992
AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS, INC.
SEA LEVEL
Comparison of cooling towers with 4 F Range
Ambient Temperature 100 F dry bulb / 70 F wet bulb
Constant cold water temperature
Variable air flow
Standard
Enhanced with 50% Effectiveness
Enhanced with 75% Effectiveness
2, 4, 7 Outlet 74.4 F
8 Discharge 94.7 F / 79.6 F
5 Discharge 88.4 F / 78.0 F
Standard Cooling Tower
4 F Range
74.3 F Cold Water Temperature
Enhanced Cooling Tower
75% Effectiveness
49.0% Air Flow
6 Inlet 79.7 F / 63.6 F
3 Inlet 86.0 F / 65.7 F
1 Ambient 100 F / 70 F
Enhanced Cooling Tower
50% Effectiveness
57.0% Air Flow
ENTHALPY - BTU PER POUND OF DRY AIR

Figure 6

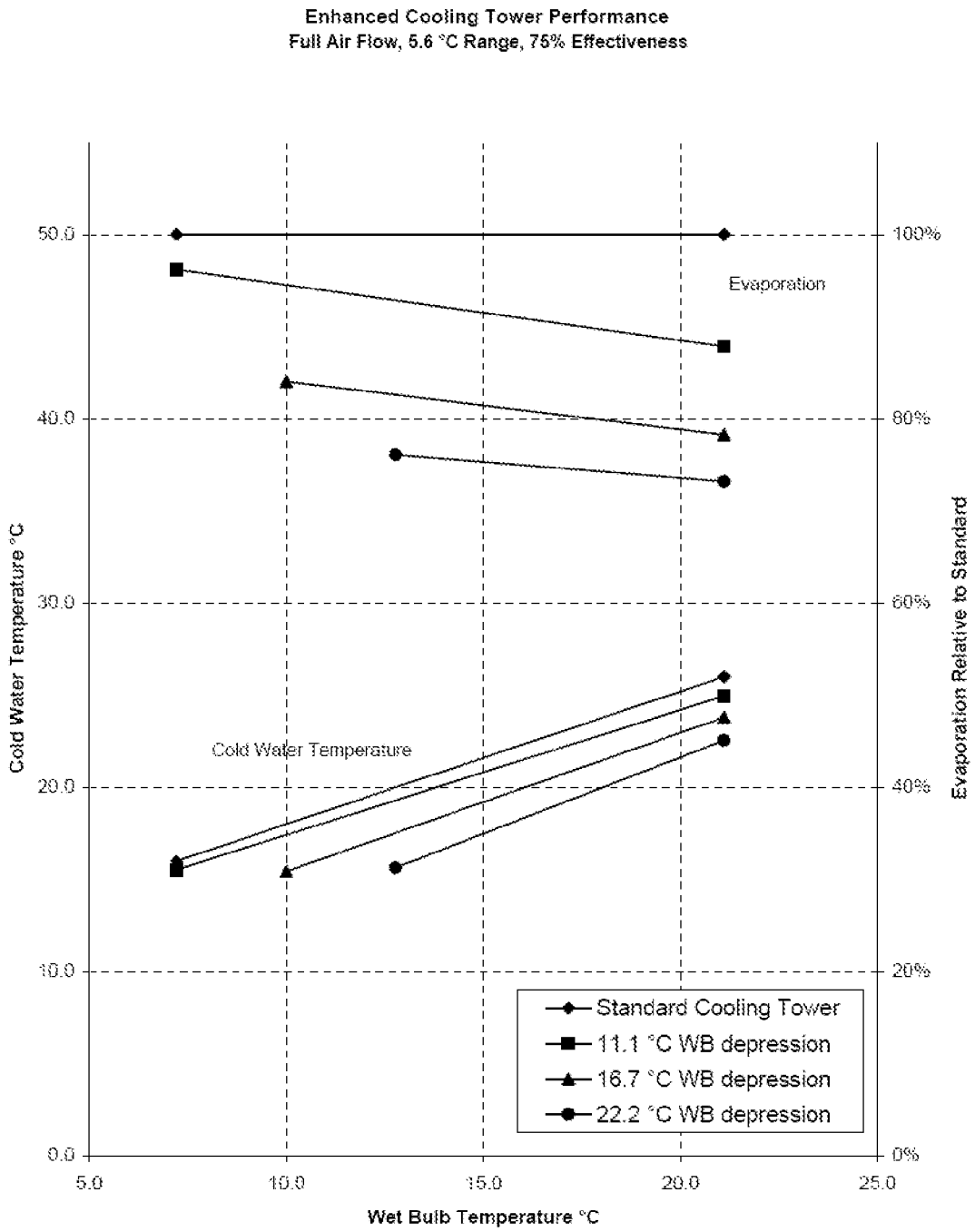

Enhanced Cooling Tower Performance
Full Air Flow, 5.6 °C Range, 75% Effectiveness
Cold Water Temperature °C
Evaporation Relative to Standard
Wet Bulb Temperature °C
Evaporation
Cold Water Temperature
50.0
40.0
30.0
20.0
10.0
0.0
100%
80%
60%
40%
20%
0%
5.0
10.0
15.0
20.0
25.0
Standard Cooling Tower
11.1 °C WB depression
16.7 °C WB depression
22.2 °C WB depression

Figure 7

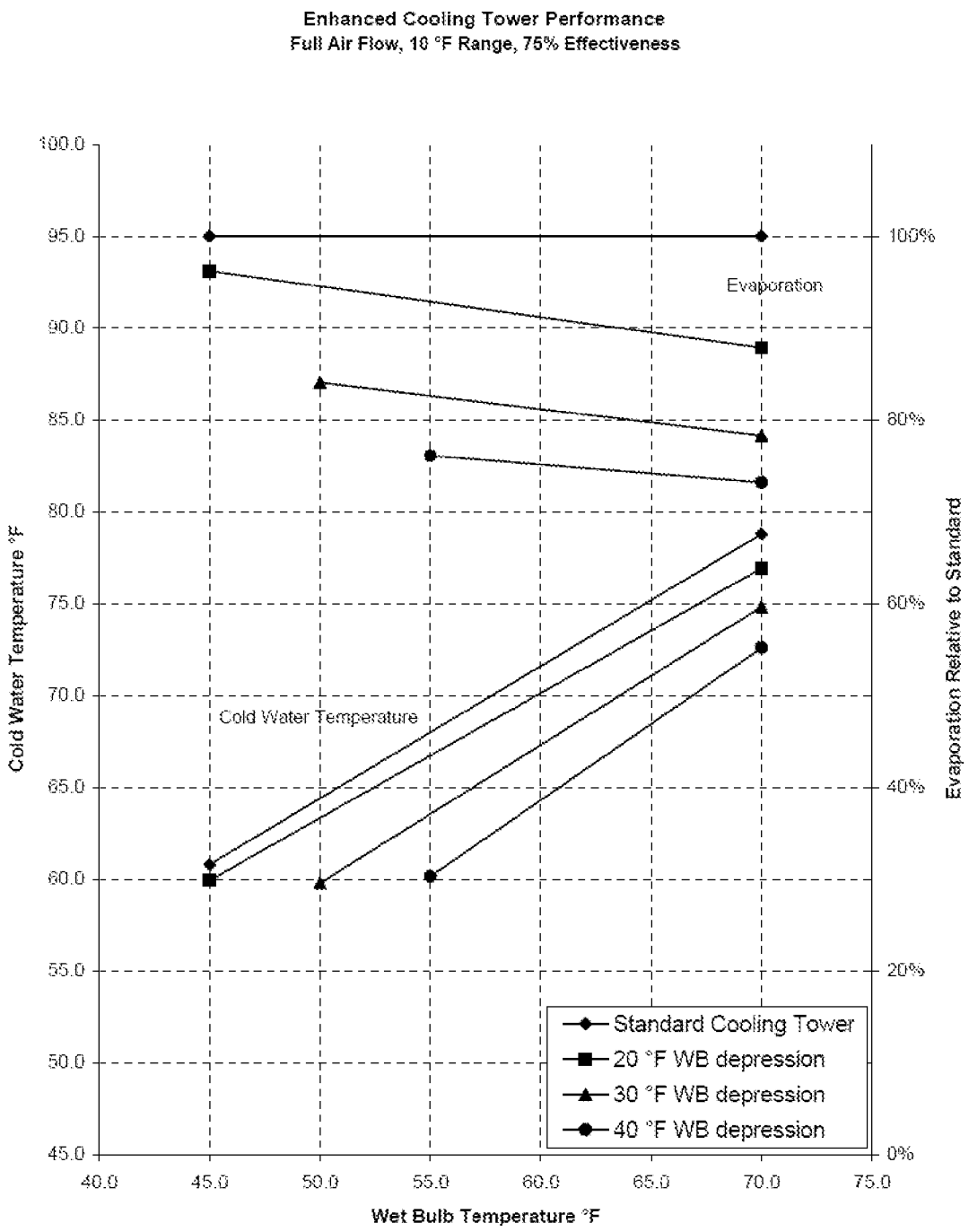

Enhanced Cooling Tower Performance
Full Air Flow, 10 °F Range, 75% Effectiveness
Cold Water Temperature °F
Evaporation Relative to Standard
Wet Bulb Temperature °F
Evaporation
Cold Water Temperature
100.0
95.0
90.0
85.0
80.0
75.0
70.0
65.0
60.0
55.0
50.0
45.0
100%
80%
60%
40%
20%
0%
40.0
45.0
50.0
55.0
60.0
65.0
70.0
75.0
Standard Cooling Tower
20 °F WB depression
30 °F WB depression
40 °F WB depression

Figure 7

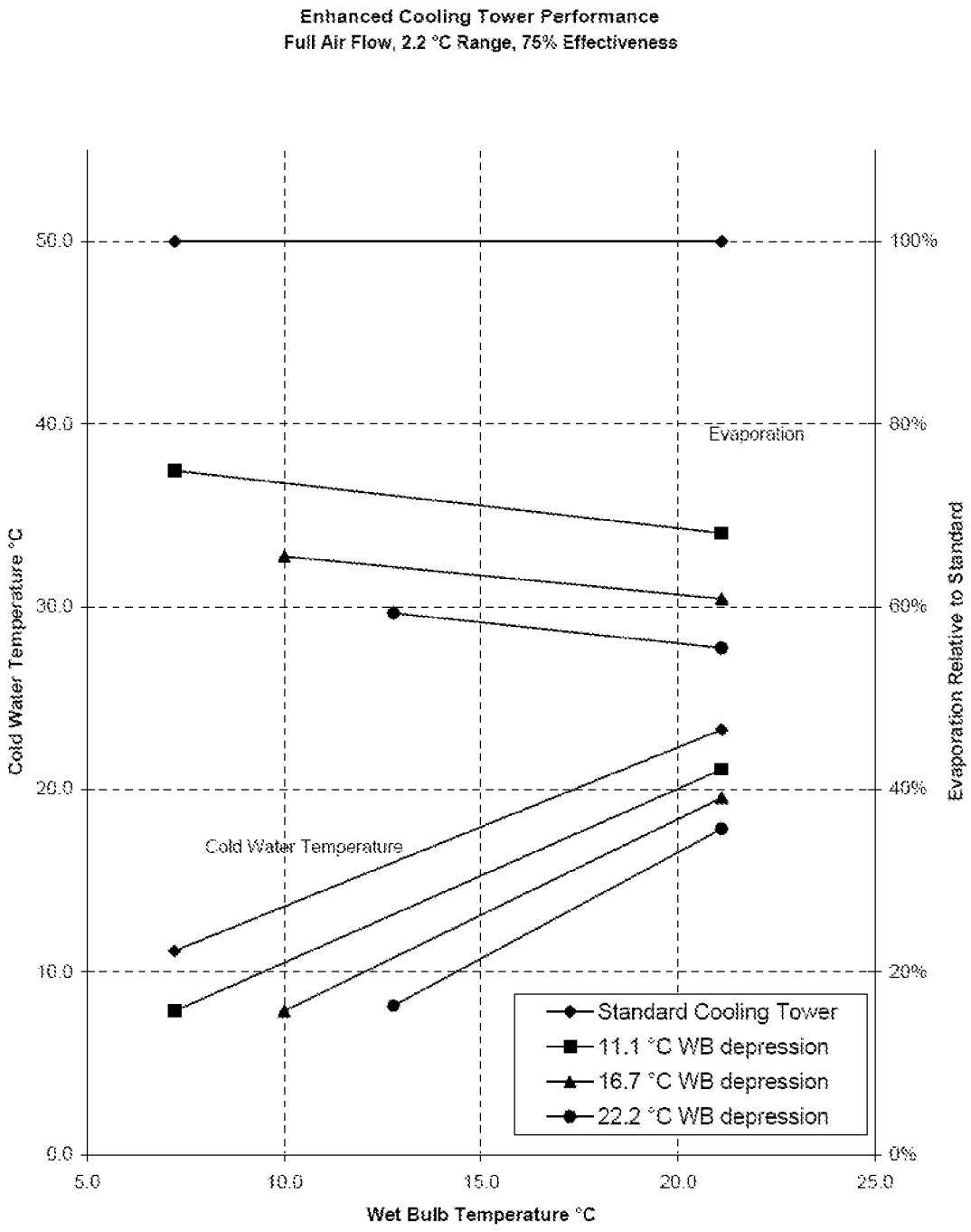
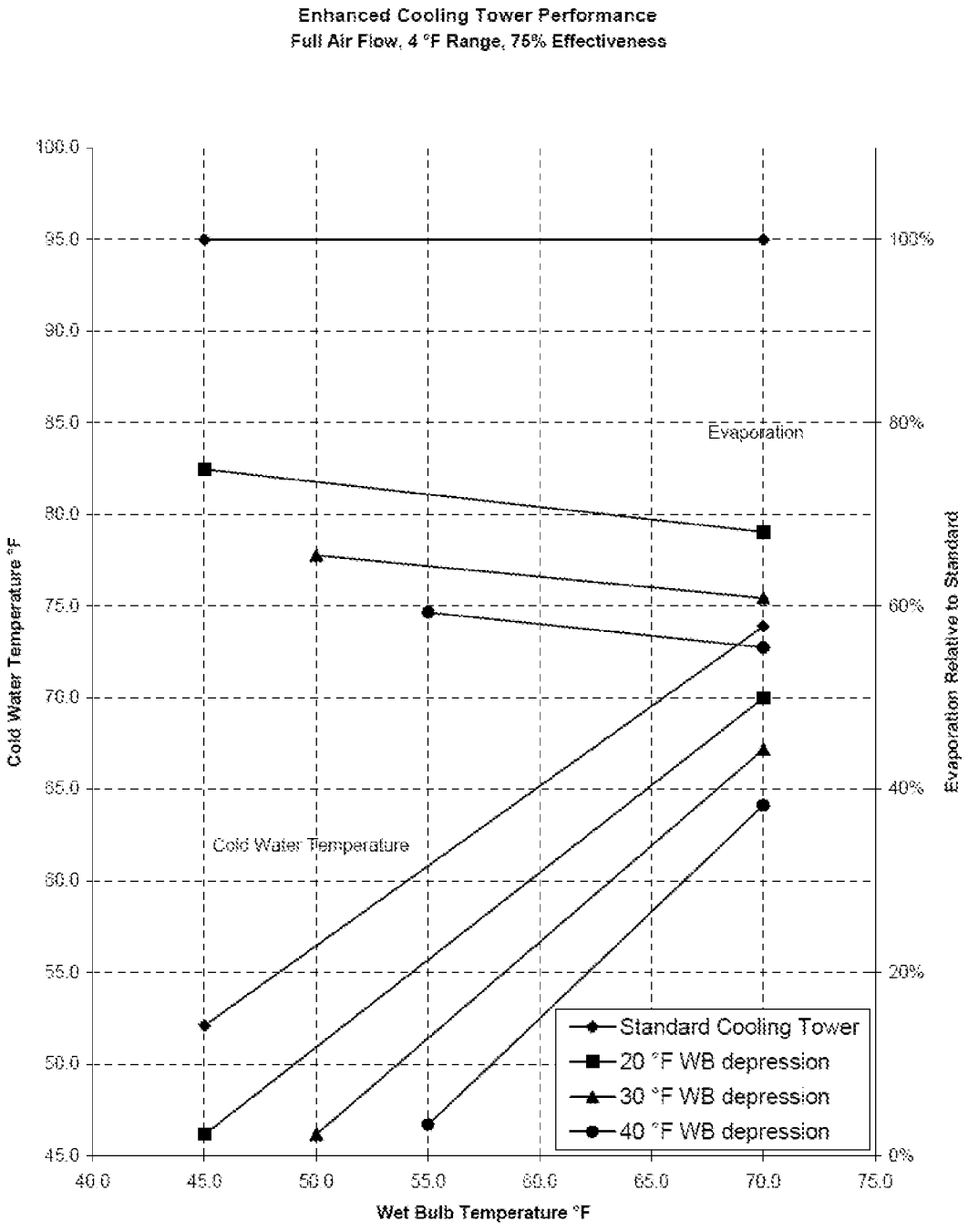

Enhanced Cooling Tower Performance
Full Air Flow, 2.2 °C Range, 75% Effectiveness
Cold Water Temperature °C
Evaporation Relative to Standard
Wet Bulb Temperature °C
Evaporation
Cold Water Temperature
50.0
40.0
30.0
20.0
10.0
0.0
100%
80%
60%
40%
20%
0%
5.0
10.0
15.0
20.0
25.0
Standard Cooling Tower
11.1 °C WB depression
16.7 °C WB depression
22.2 °C WB depression

Figure 8


Enhanced Cooling Tower Performance
Full Air Flow, 4 °F Range, 75% Effectiveness
Cold Water Temperature °F
Evaporation Relative to Standard
Wet Bulb Temperature °F
Evaporation
Cold Water Temperature
Standard Cooling Tower
20 °F WB depression
30 °F WB depression
40 °F WB depression
100.0
95.0
90.0
85.0
80.0
75.0
70.0
65.0
60.0
55.0
50.0
45.0
40.0
45.0
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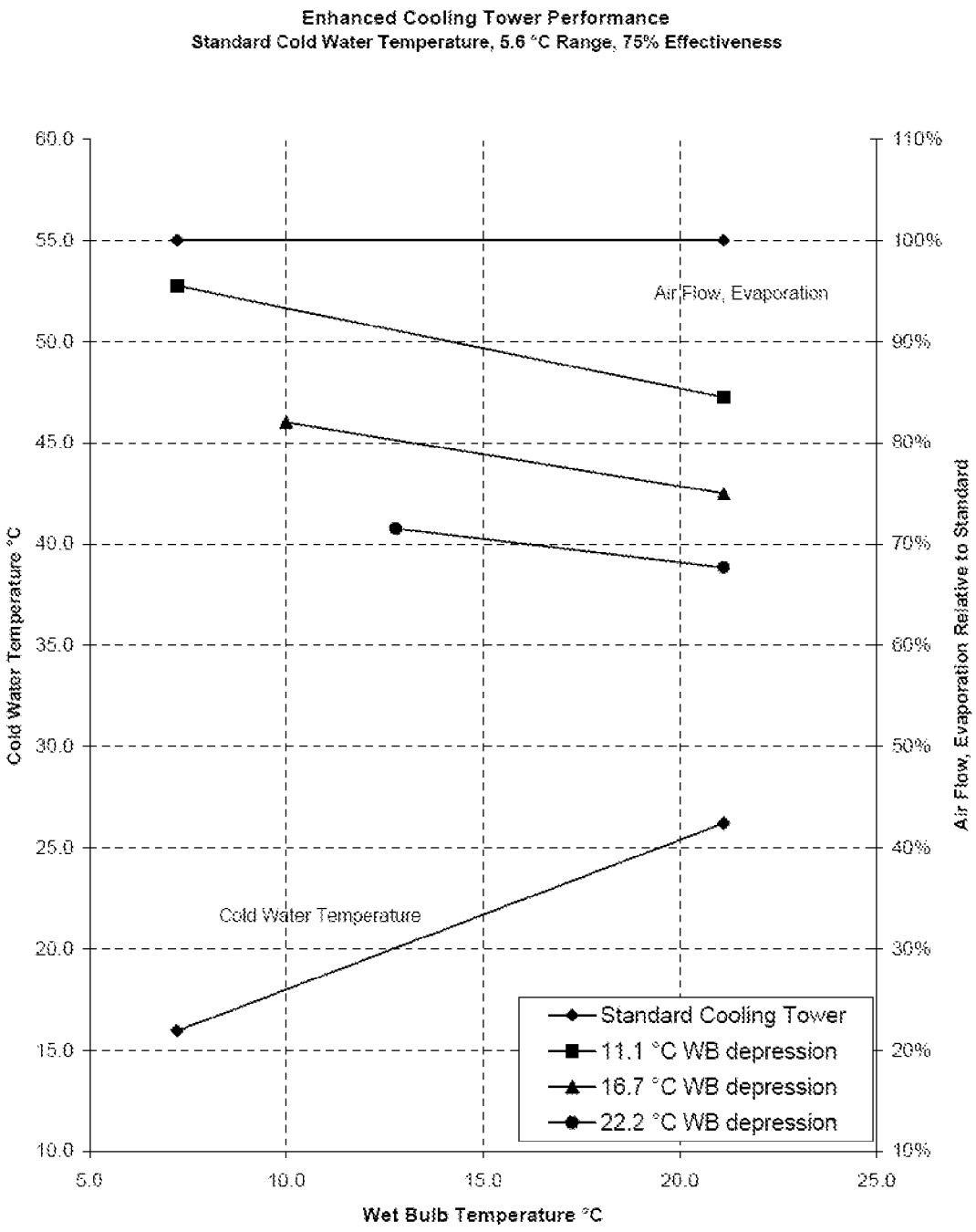
100%
80%
60%
40%
20%
0%

Figure 8


Enhanced Cooling Tower Performance
Standard Cold Water Temperature, 5.6 °C Range, 75% Effectiveness
Cold Water Temperature °C
Air Flow, Evaporation Relative to Standard
Wet Bulb Temperature °C
Air Flow, Evaporation
Cold Water Temperature
Standard Cooling Tower
11.1 °C WB depression
16.7 °C WB depression
22.2 °C WB depression
60.0
55.0
50.0
45.0
40.0
35.0
30.0
25.0
20.0
15.0
10.0
110%
100%
90%
80%
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20%
10%
5.0
10.0
15.0
20.0
25.0

Figure 9

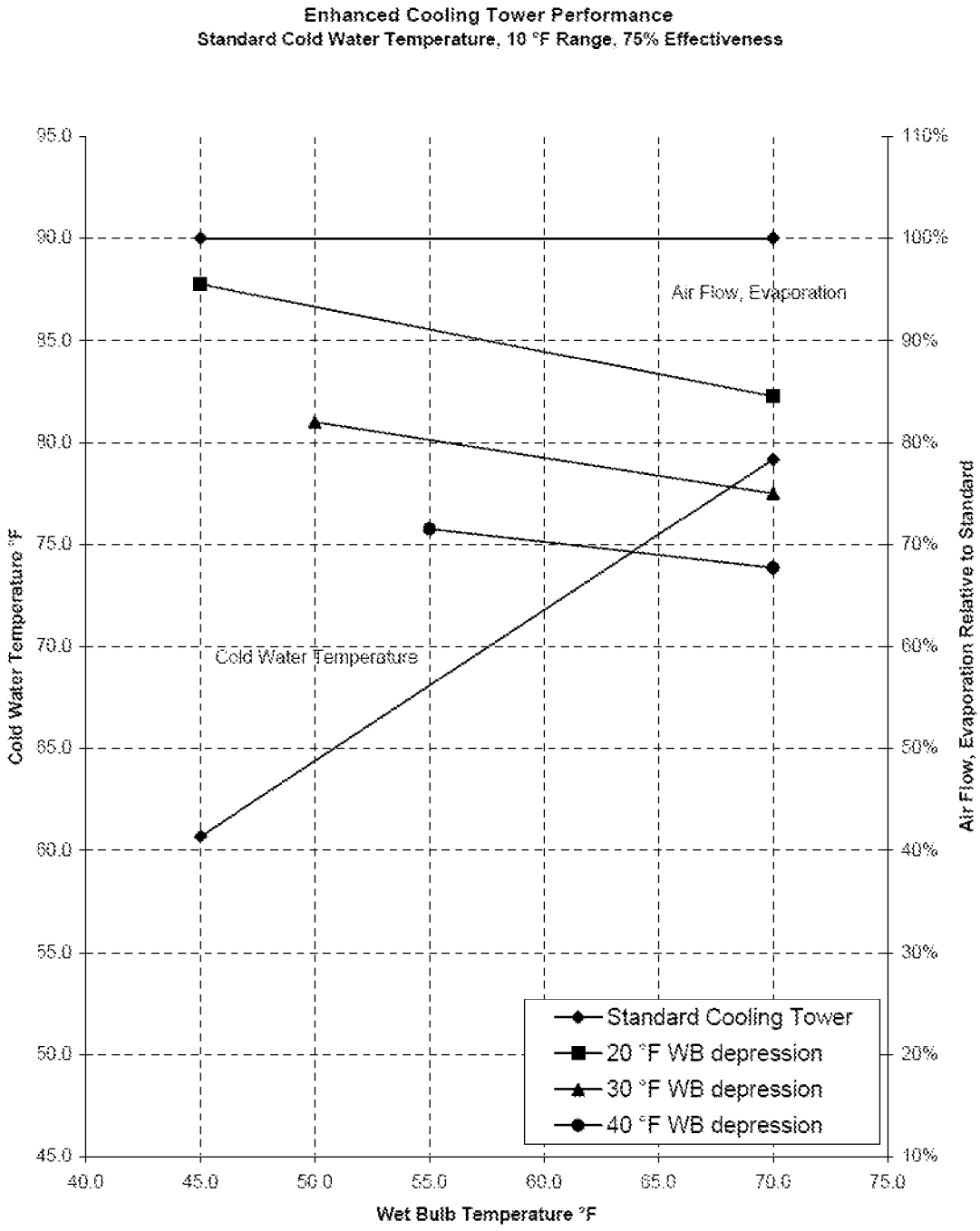
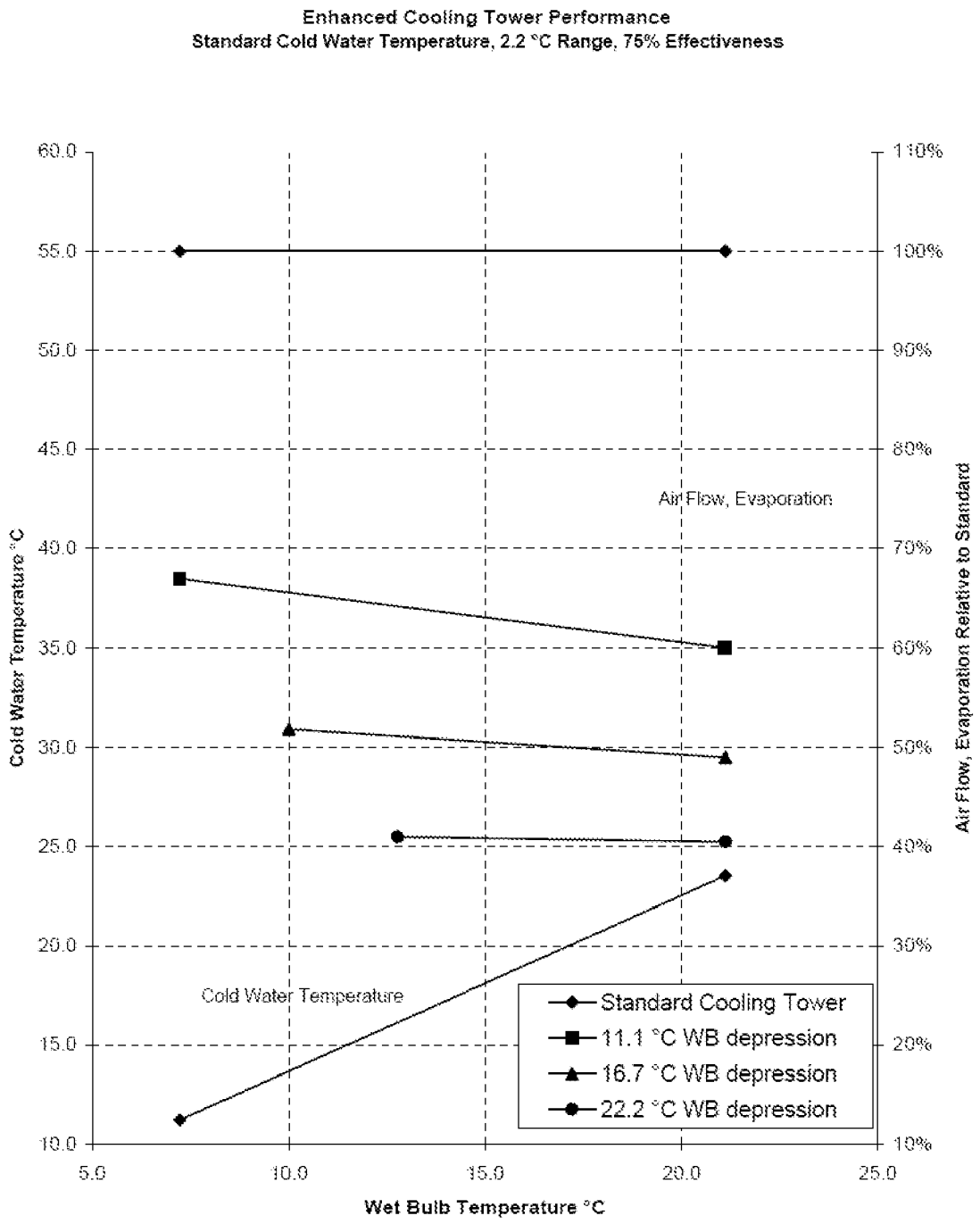

Enhanced Cooling Tower Performance
Standard Cold Water Temperature, 10 °F Range, 75% Effectiveness
Cold Water Temperature °F
Air Flow, Evaporation Relative to Standard
Wet Bulb Temperature °F
Air Flow, Evaporation
Cold Water Temperature
Standard Cooling Tower
20 °F WB depression
30 °F WB depression
40 °F WB depression
95.0
90.0
85.0
80.0
75.0
70.0
65.0
60.0
55.0
50.0
45.0
110%
100%
90%
80%
70%
60%
50%
40%
30%
20%
10%
40.0
45.0
50.0
55.0
60.0
65.0
70.0
75.0

Figure 9


Enhanced Cooling Tower Performance
Standard Cold Water Temperature, 2.2 °C Range, 75% Effectiveness
Cold Water Temperature °C
Air Flow, Evaporation Relative to Standard
Wet Bulb Temperature °C
Air Flow, Evaporation
Cold Water Temperature
Standard Cooling Tower
11.1 °C WB depression
16.7 °C WB depression
22.2 °C WB depression
60.0
55.0
50.0
45.0
40.0
35.0
30.0
25.0
20.0
15.0
10.0
110%
100%
90%
80%
70%
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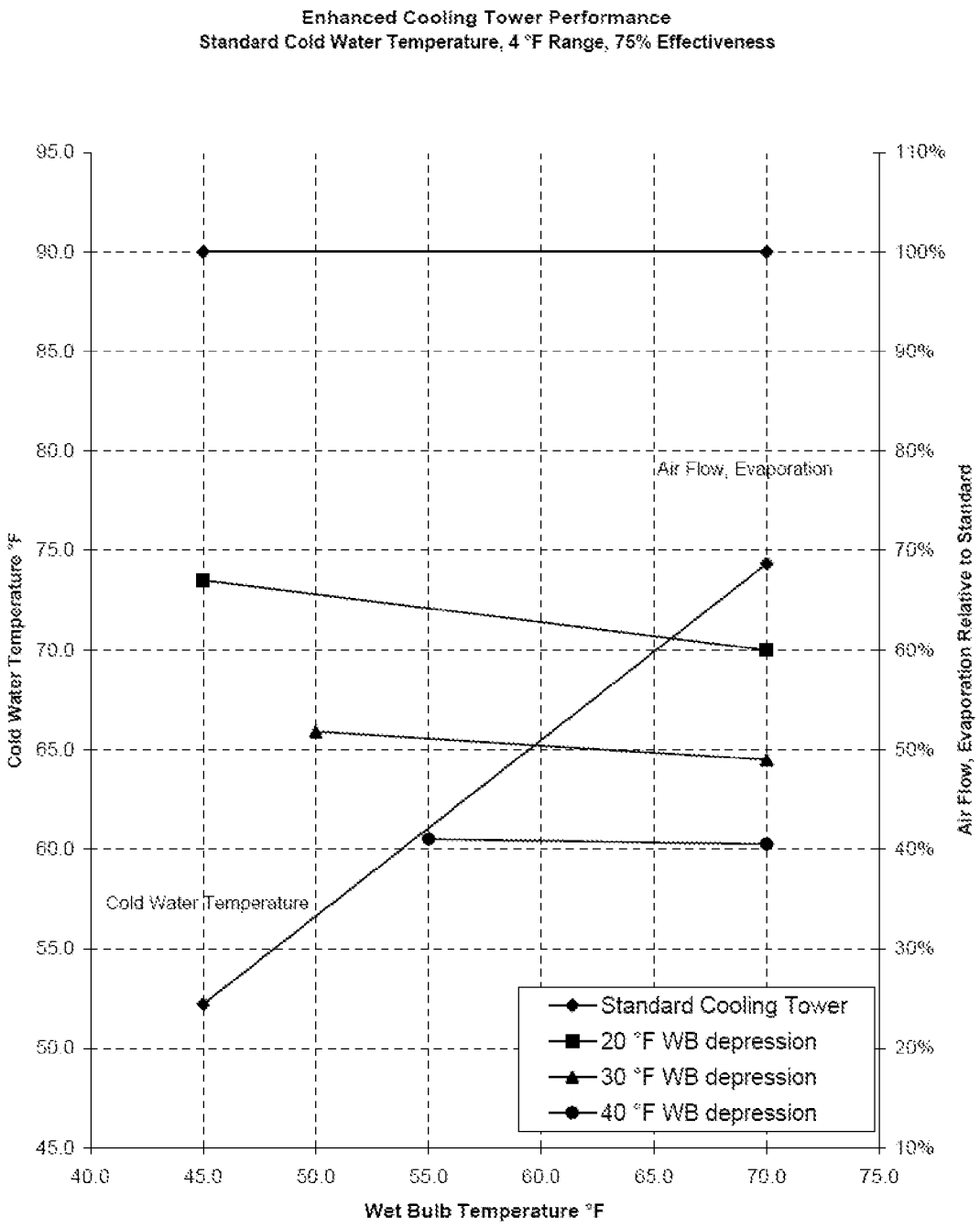
40%
30%
20%
10%
5.0
10.0
15.0
20.0
25.0

Figure 10


Enhanced Cooling Tower Performance
Standard Cold Water Temperature, 4 °F Range, 75% Effectiveness
Cold Water Temperature °F
Air Flow, Evaporation Relative to Standard
Wet Bulb Temperature °F
Air Flow, Evaporation
Cold Water Temperature
Standard Cooling Tower
20 °F WB depression
30 °F WB depression
40 °F WB depression
95.0
90.0
85.0
80.0
75.0
70.0
65.0
60.0
55.0
50.0
45.0
110%
100%
90%
80%
70%
60%
50%
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30%
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45.0
50.0
55.0
60.0
65.0
70.0
75.0

Figure 10

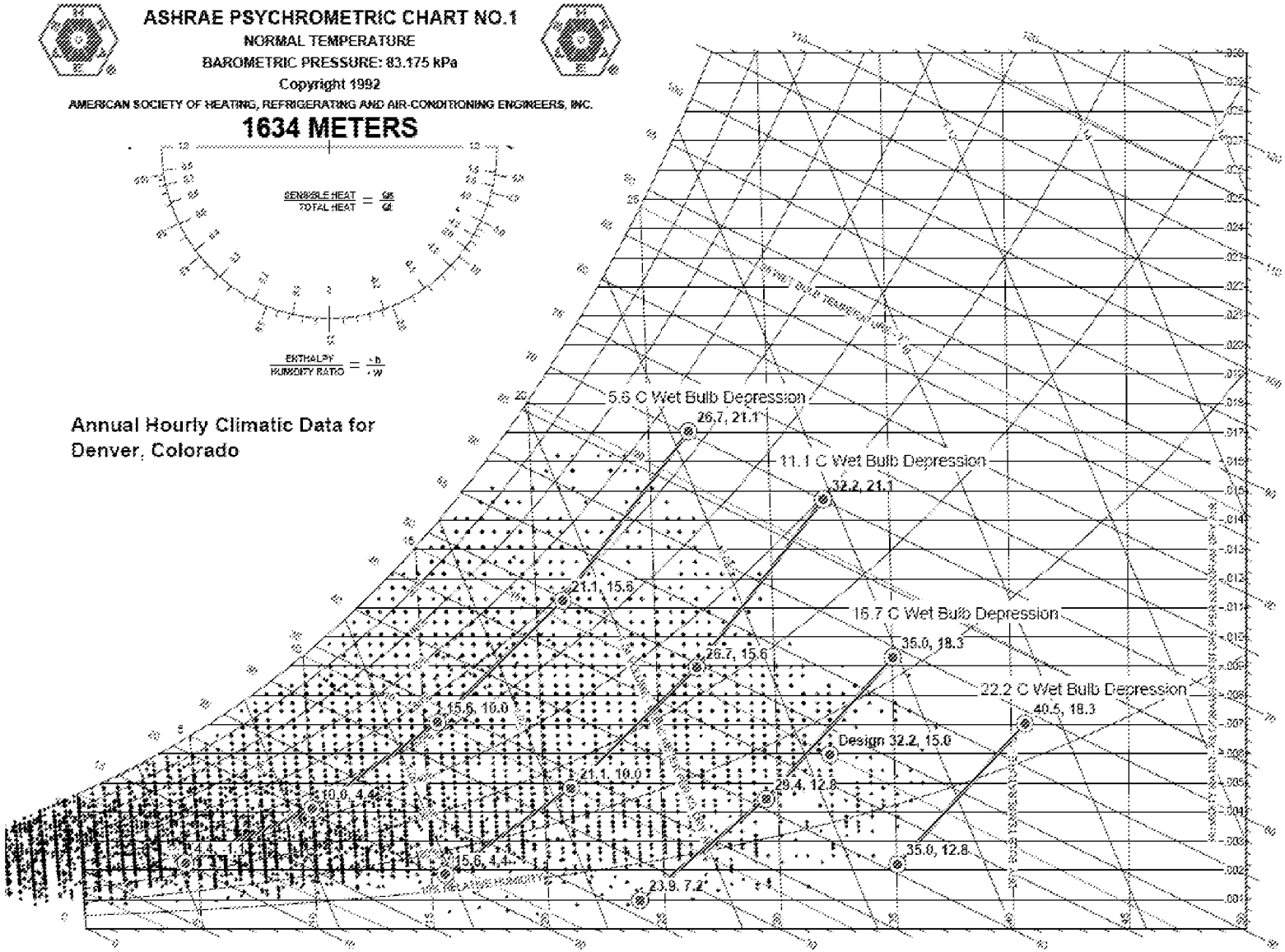
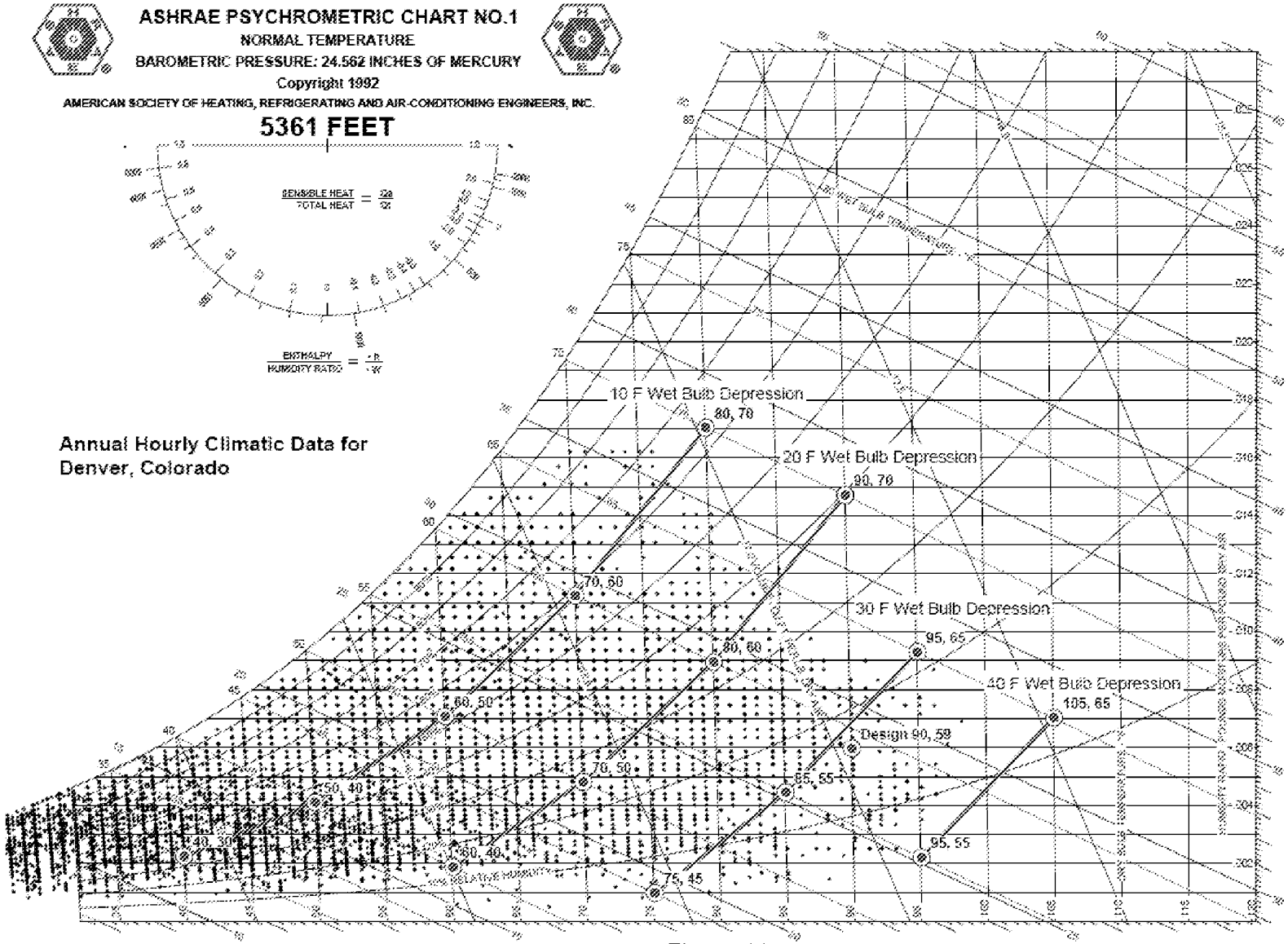

ASHRAE PSYCHROMETRIC CHART NO.1
NORMAL TEMPERATURE
BAROMETRIC PRESSURE: 83.175 kPa
Copyright 1992
AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS, INC.
1634 METERS
SENSIBLE HEAT / TOTAL HEAT = qs / qt
ENTHALPY / HUMIDITY RATIO = Δh / Δw
Annual Hourly Climatic Data for
Denver, Colorado
5.6 C Wet Bulb Depression
26.7, 21.1
11.1 C Wet Bulb Depression
32.2, 21.1
21.1, 15.6
16.7 C Wet Bulb Depression
35.0, 18.3
26.7, 15.6
22.2 C Wet Bulb Depression
40.5, 18.3
15.6, 10.0
Design 32.2, 15.0
21.1, 10.0
29.4, 12.8
10.0, 4.4
35.0, 12.8
15.6, 4.4
23.9, 7.2
ENTHALPY - KJ PER KILOGRAM OF DRY AIR

Figure 11


ASHRAE PSYCHROMETRIC CHART NO.1
NORMAL TEMPERATURE
BAROMETRIC PRESSURE: 24.562 INCHES OF MERCURY
Copyright 1992
AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS, INC.
5361 FEET
Annual Hourly Climatic Data for
Denver, Colorado
10 F Wet Bulb Depression
20 F Wet Bulb Depression
30 F Wet Bulb Depression
40 F Wet Bulb Depression
Design 90, 58
80, 70
90, 70
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60, 50
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95, 65
105, 65
95, 55
ENTHALPY - BTU PER POUND OF DRY AIR

Figure 11

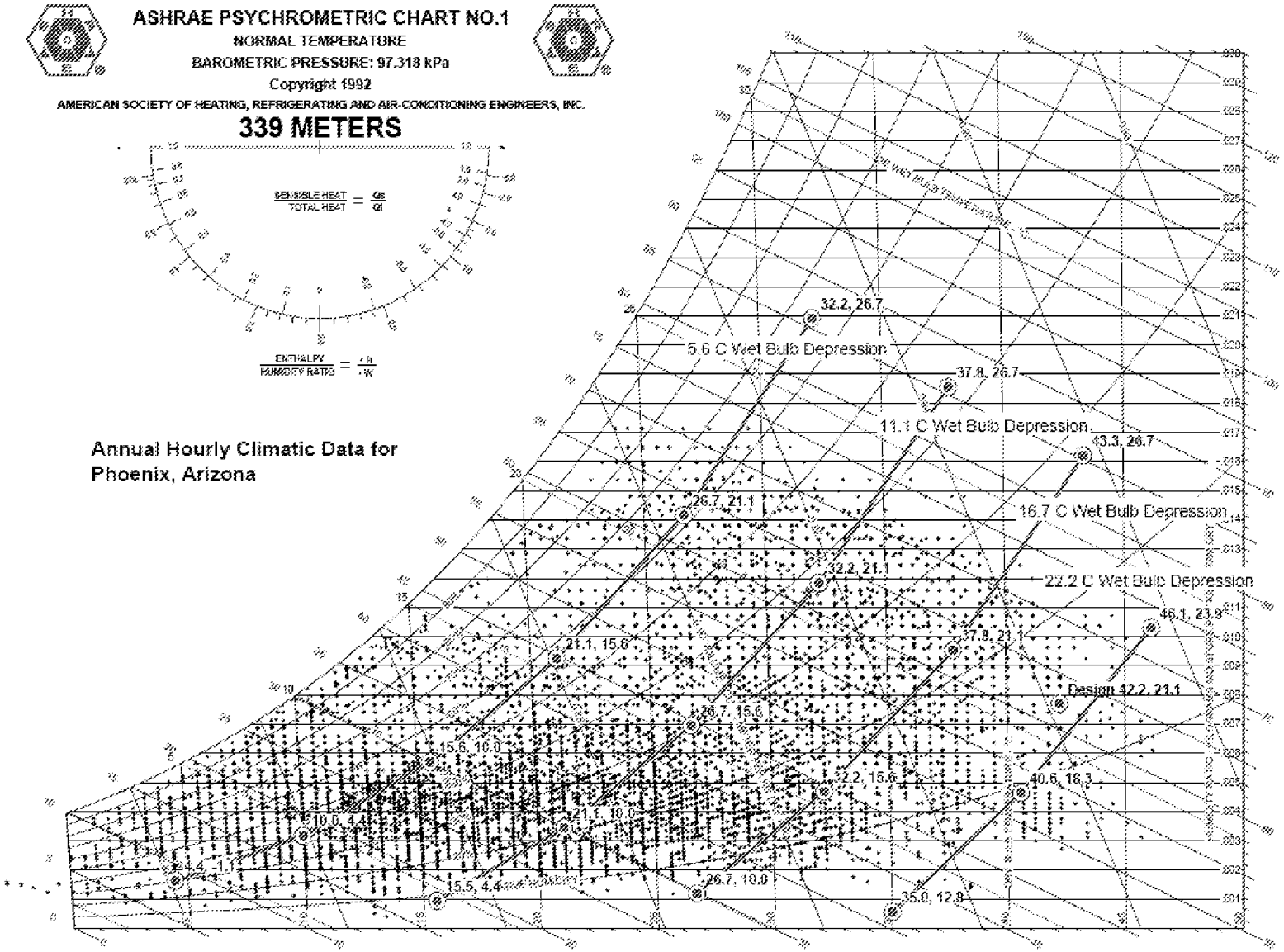
ASHRAE PSYCHROMETRIC CHART NO.1
NORMAL TEMPERATURE
BAROMETRIC PRESSURE: 97.318 kPa
Copyright 1992
AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS, INC.
339 METERS
SENSIBLE HEAT / TOTAL HEAT = Qs / Qt
ENTHALPY / HUMIDITY RATIO = Δh / ΔW
Annual Hourly Climatic Data for
Phoenix, Arizona
32.2, 26.7
5.6 C Wet Bulb Depression
37.8, 26.7
11.1 C Wet Bulb Depression
43.3, 26.7
26.7, 21.1
16.7 C Wet Bulb Depression
32.2, 21.1
22.2 C Wet Bulb Depression
46.1, 23.9
21.1, 15.6
37.8, 21.1
Design 42.2, 21.1
26.7, 15.6
15.6, 10.0
32.2, 15.6
40.6, 18.3
10.0, 4.4
21.1, 10.0
4.4, -1.1
15.5, 4.4
26.7, 10.0
35.0, 12.8
ENTHALPY - KJ PER KILOGRAM OF DRY AIR

Figure 12

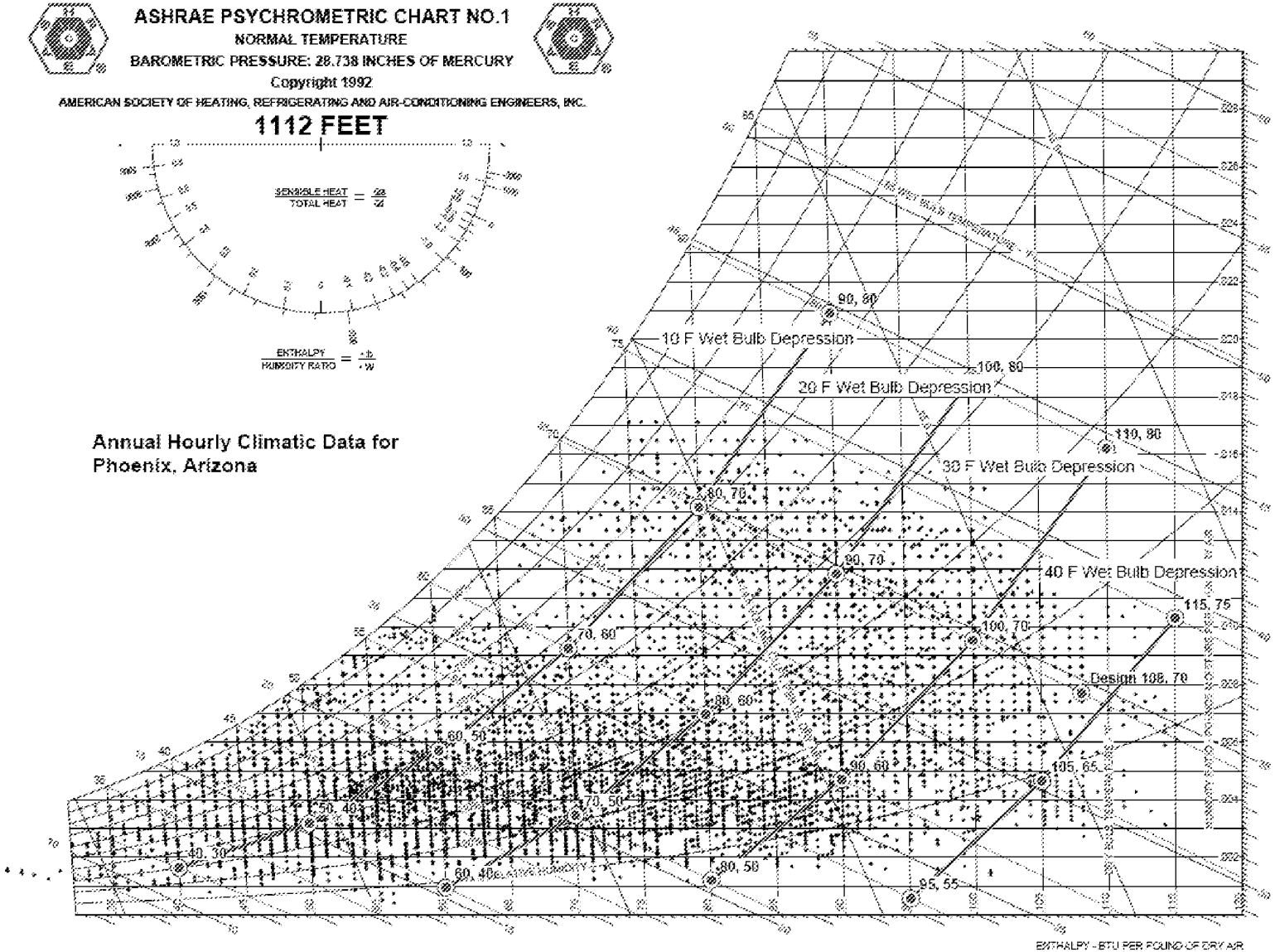
ASHRAE PSYCHROMETRIC CHART NO.1
NORMAL TEMPERATURE
BAROMETRIC PRESSURE: 28.738 INCHES OF MERCURY
Copyright 1992
AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS, INC.
1112 FEET
SENSIBLE HEAT / TOTAL HEAT
ENTHALPY / HUMIDITY RATIO
Annual Hourly Climatic Data for
Phoenix, Arizona
10 F Wet Bulb Depression
20 F Wet Bulb Depression
30 F Wet Bulb Depression
40 F Wet Bulb Depression
90, 80
100, 80
110, 80
80, 70
90, 70
100, 70
115, 75
70, 60
80, 60
90, 60
105, 65
Design 108, 70
60, 50
70, 50
80, 50
95, 55
50, 40
60, 40
40, 30
ENTHALPY - BTU PER POUND OF DRY AIR

Figure 12

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.
12/988,520	04/08/2011	Jarrell Wenger	P-JW-US1	1292

28784 7590 06/30/2011
GREGORY W. O"CONNOR
4701 HOMESTEAD
LITTLETON, CO 80123

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
06/30/2011	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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GREGORY W. O"CONNOR
4701 HOMESTEAD
LITTLETON CO 80123

6/30/11

In re Application of	:	
Wenger	:	DECISION ON PETITION
Application No. 12/988,520	:	TO MAKE SPECIAL UNDER
Filed: 10/19/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **P-JW-US1**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 6/9/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/988,551	10/19/2010	Nobuharu Nagaoka	SAA-130-A	1594

21828 7590 03/15/2011
CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI, MI 48375

EXAMINER

ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
03/15/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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

MAILED

MAR 15 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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. 12/988,551	:	PARTICIPATE IN PATENT
Filed: October 19, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No.: **SAA-130-A**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 10, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The PPH petition fee has been eliminated for PPH requests filed on or after May 25, 2010 and the petition fee paid is being refunded.

Telephone inquiries concerning this decision should be directed to Mehrdad Dastouri at 571-272-7418.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Attorney Docket No.: 1163-0836PUS1

Application No:	12/988,615	Filing date:	October 19, 2010
First Named Inventor:	Kazuhiro NAKATA		
Title of the Invention:	RECEIVING 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/JP2009/002038

The international date of the corresponding PCT application(s) is/are: May 11, 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.:	12/988,615
First Named Inventor:	Kazuhiro NAKATA

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 19, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 19, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Identical
2	2	Identical
3	3	Identical
4	4	Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date June 27, 2011
Name (Print/Typed) D. Richard Anderson	Registration Number 40439

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 571585WO01	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/002038	11.05.2009	07.07.2008

International Patent Classification (IPC) or both national classification and IPC

Applicant
Mitsubishi Electric Corporation

1. This opinion contains indications relating to the following items:

- ☒ Box No. I — Basis of the opinion
- ☐ Box No. II — Priority
- ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV — Lack of unity of invention
- ☒ Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI — Certain documents cited
- ☐ Box No. VII — Certain defects in the international application
- ☐ Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/002038

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/JP2009/002038

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	1-4	YES
	Claims		NO
Inventive step (IS)	Claims	1-4	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-4	YES
	Claims		NO

2. Citations and explanations:

The invention as in claims 1-4 is novel and involves an inventive step.

The feature wherein the interval among group types is synchronized with the RDS clock for counting is not disclosed in any of the documents cited in the ISR and would not be obvious to a person skilled in the art.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/988,615	10/19/2010	Kazuhiro Nakata	1163-0836PUS1	2519

2292 7590 07/13/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
FAN, CHIEH M

ART UNIT	PAPER NUMBER
2611	

NOTIFICATION DATE	DELIVERY MODE
07/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	**: DECISION ON REQUEST TO**
Kazuhiro NAKATA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/988,615	**: PROSECUTION HIGHWAY**
Filed: 19 October 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 1163-0836PUS1	**: TO MAKE SPECIAL UNDER**
For: RECEIVING APPARATUS	**: 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 27 June 1011, 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 (1-2), (5), and (7-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirements (3) and (6).

Regarding the requirement of condition (3), applicant has failed to submit a translation of the claims from the PCT application that have novelty, inventive step, and industrial applicability and provide a statement that the translation is accurate.

Regarding the requirement of condition (4), it cannot be determined if condition (4) is 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) and none is present in the file.

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

Docket No.: 1163-0836PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:	Kazuhiro NAKATA		
Application No.:	12/988,615	Confirmation No.:	2519
Filed:	October 19, 2010	Art Unit:	2611
For:	RECEIVING APPARATUS	Examiner:	FAN, CHIEH M

REPLY TO DECISION
ON REQUEST TO PARTICIPATE IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the July 13, 2011 dismissal of Applicant's requests of June 27, 2011 to participate in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) with the Japan Patent Office (JPO), Applicant hereby replies with suitable material to fully satisfy the original request for PCT-PPH.

The dismissal indicates that the PCT-PPH program request and petition are deficient because a translation of the claims from the PCT application, a statement confirming that the English translation is accurate and a Japanese language copy of the Written Opinion have not been submitted.

Applicant respectfully submits herewith an English translation of the claims from the PCT application, a Statement confirming the English translation is accurate and a copy of the Written Opinion in Japanese language. Therefore, Applicant believes that all the documents required under the PCT-PPH Program have now been properly submitted. In view of this, Applicant hereby respectfully requests reconsideration of the Decision of July 13, 2011 and grant of Applicant's PCT-PPH Request and Petition.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson, Registration No. 40439 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: August 12, 2011

Respectfully submitted,

By _____

D. Richard Anderson
Registration No.: 40439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachments: Translation of Claims from PCT Application
Statement
Written Opinion (ISA/237) in Japanese Language

CLAIMS OF THE PCT APPLICATION

【書類名】請求の範囲
【請求項１】
放送局から放送信号を受信してラジオ音声を再生する第１の受信系統部と、前記放送信号中のＲＤＳ（Radio Data System）データを受信する第２の受信系統部とを備えた受信装置において、
前記第２の受信系統部は、
前記放送信号からＲＤＳデータ及びこれに同期するＲＤＳクロックを復調するＲＤＳ復調部と、
前記ＲＤＳデータにおける交通情報を含むグループタイプ間の間隔を、前記ＲＤＳクロックに同期してカウントするカウンタと、
前記交通情報を含むグループタイプを受信すると共に、前記カウンタのカウント中は前記交通情報の受信以外のラジオ処理を実行するラジオ制御部とを備えた受信装置。
【請求項２】
第２の受信系統部は、交通情報を含むグループタイプ間の間隔で受信したグループタイプ数を計測し、グループタイプ数の最小値をギャップとして規定する最小ギャップ計測部を備え、
カウンタは、ＲＤＳクロックに同期して前記ギャップ分の間隔をカウントする第１のカウンタを備え、
ラジオ制御部は、前記第１のカウンタのカウント中は前記交通情報の受信以外のラジオ処理を実行することを特徴とする請求項１記載の受信装置。
【請求項３】
カウンタは、交通情報を含むグループタイプの受信後、同一内容の交通情報を含むグループタイプの受信をスキップして、次の新たな交通情報を含むグループタイプが受信されるまでの間隔を、ＲＤＳクロックに同期してカウントする第２のカウンタを備え、
ラジオ制御部は、前記第２のカウンタのカウント中は前記交通情報の受信以外のラジオ処理を実行することを特徴とする請求項２記載の受信装置。
【請求項４】
カウンタは、ＲＤＳデータが受信断となった時点から交通情報の受信待ちを行う待機間隔を、ＲＤＳクロックに同期してカウントする第３のカウンタと、前記第３のカウンタによる前記待機間隔のカウント完了時点から所定のラジオ処理用間隔を、前記ＲＤＳクロックに同期してカウントする第４のカウンタとを備え、
ラジオ制御部は、前記第３のカウンタのカウント中は前記交通情報の受信待ちを行い、前記第４のカウンタのカウント中は前記交通情報の受信以外のラジオ処理を実行することを特徴とする請求項３記載の受信装置。

ENGLISH TRANSLATION OF THE CLAIMS OF THE PCT APPLICATION

1. A receiving apparatus having a first receiving system for receiving a broadcast signal from a broadcasting station to reproduce radio sound and a second receiving system for receiving RDS (Radio Data System) data in the broadcast signal, the second receiving system comprising:

an RDS demodulating unit for demodulating the RDS data and an RDS clock signal synchronizing with the RDS data from the broadcast signal;

a counter for counting an interval between group types containing traffic information in the RDS data in synchronization with the RDS clock signal; and

a radio control unit for receiving the group type containing the traffic information, and for executing radio processing other than receiving the traffic information during counting of the counter.

2. The receiving apparatus according to claim 1, wherein

the second receiving system comprises a minimum gap measuring unit for measuring the number of group types received in the interval between the group types containing the traffic information and for determining a minimum value of the number of group types as a gap;

the counter comprises a first counter for counting the interval corresponding to the gap in synchronization with the RDS clock signal; and

the radio control unit executes the radio processing other than receiving the traffic information during counting of the first counter.

3. The receiving apparatus according to claim 2, wherein

the counter comprises a second counter for skipping, after receiving the group type containing the traffic information, receiving the group type containing the traffic information with the same content, and for counting an interval up to receiving the next group type containing new traffic information in synchronization with the RDS clock signal; and

the radio control unit executes the radio processing other than receiving the traffic information during counting of the second counter.

4. The receiving apparatus according to claim 3, wherein

the counter comprises a third counter for counting, from a point of time at which reception of the RDS data is broken, a standby interval for waiting to receive the traffic information in synchronization with the RDS clock signal, and a fourth counter for counting, from a point of time at which counting of the standby interval by the third counter is completed, a prescribed radio processing interval in synchronization with the RDS clock signal; and

the radio control unit waits for receiving the traffic information during counting of the third counter, and executes the radio processing other than receiving the traffic information during counting of the fourth counter.

S T A T E M E N T

International Application No.PCT/JP2009/002038

I, Hideaki TAZAWA, a Japanese citizen of c/o Sanno Patent Office, Akasaka Sanno Center Bldg. 5F, 12-4, Nagata-cho 2-chome, Chiyoda-ku, Tokyo, Japan, do hereby solemnly and sincerely declare as follows:

1. I am well acquainted with both the Japanese language and the English language.

2. I personally made the following translation.

3. The following is a true translation into the English language of the claim(s) from the PCT application No. PCT/JP2009/002038 which was filed on May 11, 2009.

And I make this solemn declaration conscientiously believing the same to be true.

This 29th day of July, 2011

Hideaki TAZAWA

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
田澤英昭
様

あて名
〒100-0014
日本国東京都千代田区永田町二丁目１２番４号　赤坂山王センタービル５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）	３０．０６．２００９
出願人又は代理人の書類記号　571585WO01	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／ＪＰ２００９／００２０３８	（日.月.年）　１１．０５．２００９	（日.月.年）　０７．０７．２００８

国際特許分類（ＩＰＣ）Int.Cl. H04B1/16(2006.01)i, H04H20/55(2008.01)i, H04H40/27(2008.01)i

出願人（氏名又は名称）
三菱電機株式会社

１．この見解書は次の内容を含む。

- ☑ 第Ｉ欄　見解の基礎
- ☐ 第II欄　優先権
- ☐ 第III欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第IV欄　発明の単一性の欠如
- ☑ 第Ｖ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第VI欄　ある種の引用文献
- ☐ 第VII欄　国際出願の不備
- ☐ 第VIII欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
１９．０６．２００９

名称及びあて先	特許庁審査官（権限のある職員）	5W	3360
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	原田　聖子 電話番号　０３－３５８１－１１０１　内線　３５７６		

国際調査機関の見解書

国際出願番号　PCT／JP2009／002038

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／JP2009／002038

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	1－4	有
	請求項		無
進歩性（ＩＳ）	請求項	1－4	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1－4	有
	請求項		無

2.　文献及び説明

請求項１－４に係る発明は新規性及び進歩性を有する。

グループタイプ間の間隔をＲＤＳクロックに同期してカウントする構成は、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、また当業者にとって自明でない。

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 571585WO01	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/002038	11.05.2009	07.07.2008

International Patent Classification (IPC) or both national classification and IPC

Applicant
Mitsubishi Electric Corporation

1. This opinion contains indications relating to the following items:

- [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/JP2009/002038

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/JP2009/002038

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	1-4	YES
	Claims		NO
Inventive step (IS)	Claims	1-4	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-4	YES
	Claims		NO

2. Citations and explanations:

The invention as in claims 1-4 is novel and involves an inventive step.

The feature wherein the interval among group types is synchronized with the RDS clock for counting is not disclosed in any of the documents cited in the ISR and would not be obvious to a person skilled in the art.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/988,615	10/19/2010	Kazuhiro Nakata	1163-0836PUS1	2519

2292 7590 08/24/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
FAN, CHIEH M

ART UNIT	PAPER NUMBER
2611	

NOTIFICATION DATE	DELIVERY MODE
08/24/2011	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):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	**: DECISION ON REQUEST TO**
Kazuhiro NAKATA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/988,615	**: PROSECUTION HIGHWAY**
Filed: 19 October 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 1163-0836PUS1	**: TO MAKE SPECIAL UNDER**
For: RECEIVING APPARATUS	**: 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 27 June 1011 and renewed on 12 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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DEC 27 2010

PCT LEGAL ADMINISTRATION

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
SUN, Gang	:	
Application No.: 12/988,620	:	DECISION
PCT No.: PCT/CN2008/070986	:	
Int. Filing Date: 16 May 2008	:	ON PETITION UNDER
Priority Date: 14 March 2008	:	
Docket No.: 3410-0125PUS1	:	37 CFR 1.137(b)
For: ELECTRICALLY CONTROLLED	:	
MEDIUM FOR MODULATING LIGHT	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 19 October 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. 02-2448, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

RECEIVED

NOV 16 2010

PCT LEGAL
ADMINISTRATION

Takeda San Diego, Inc.
10410 Science Center Drive
San Diego, CA 92121

In re Application of
ISBESTER, et al.
Application No.: 12/988,627
PCT No.: PCT/US2009/040556
Int. Filing Date: 14 April 2009
Priority Date: 16 April 2008
Atty. Docket No.: KIN-5036-WO-US
For: POLYMORPHS OF 5-(3-(ETHYLSULFONYL) PHENYL)-3, 8-DIMETHYL-N-(1-METHYLPIPERIDIN-4-YL)-9H-PYRIDO

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 19 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 18 2011

PCT LEGAL ADMINISTRATION

TAKEDA SAN DIEGO, INC.
10410 SCIENCE CENTER DRIVE
SAN DIEGO CA 92121

In re Application of :
ISBESTER, et al. :
Application No.: 12/988,627 : DECISION ON PETITION
PCT No.: PCT/US2009/040556 :
Int. Filing Date: 14 April 2009 : UNDER 37 CFR 1.181
Priority Date: 16 April 2008 :
Atty Docket No.: KIN-5036-WO-US :
For: POLYMORPHS OF 5-(3-(ETHYLSULFONYL) :
PHENYL)-3, 8-DIMETHYL-N-(1-METHYLPIP- :
....AND METHODS OF USE THEREFOR :

This is a decision on applicant's "Petition for Withdrawal of Notification of Defective Response" filed 15 April 2011 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

On 05 April 2011, in response to a "Notification of Missing Requirements" (Form PCT/DO/EO/905), applicant filed an executed declaration of the inventors.

On 14 April 2011, applicant was mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) indicating that the filed declaration was defective as it had been compiled from numerous declarations. Applicant was afforded one month to file a response.

On 15 April 2011, applicant filed the petition discussed herein to have the Form PCT/DO/EO/916 vacated.

A review of the application file confirms applicant's contention in the present petition that the document filed 05 April 2011 was a single, executed declaration of the inventors with each inventor listed separately. Further, a "Notice of Acceptance" (Form PCT/DO/EO/903) was mailed on 22 April 2011 indicating a date of completion of the 35 U.S.C. 371 requirements of 05 April 2011. As such, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/916 mailed 14 April 2011 is hereby **VACATED**.

The application has an international filing date of 14 April 2009 under 35 U.S.C. 363 and a date of **05 April 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (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

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FEB 14 2012

OFFICE OF PETITIONS

Oppedahl Patent Law Firm, LLC- China Pat
P O Box 5940
Dillon CO 80435-5940

In re Application of : DECISION ON REQUEST TO
Jin XU et al. : PARTICIPATE IN PPH PROGRAM
Application No. 12/988,643 : AND PETITION TO MAKE SPECIAL
Filed: October 20, 2010 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: BHYI.P-050 101911PCT-US-Z
For: DECODING METHOD AND DEVICE FOR REED-SOLOMON CODE

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 29, 2011 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application and the corresponding Russian (RU) have the same priority filing date;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the RU 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 RU 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 RU 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 RU examiner in the RU office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application will be forwarded to Technology Center Art Unit 2117 for action commensurate with this decision.

Thurman K. Page

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

51707
WRB-IP LLP
1217 King Street
Alexandria, VA 22314

MAILED

JAN 04 2011

PCT LEGAL ADMINISTRATION

In re Application of :
JOHANSSON, Ellert :
U.S. Application No.: 12/988,645 :
PCT No.: PCT/SE2009/000268 :
Int. Filing Date: 25 May 2009 :
Priority Date: 26 May 2008 :
Attorney Docket No.: 000009-495 :
For: SWITCH MODULE FOR A POWER :
SUPPLY NETWORK AND POWER :
SUPPLY NETWORK COMPRISING AT :
LEAST ONE SWITCH MODULE :

DECISION

This decision is in response to the petition under 37 CFR 1.182 filed 16 December 2010.

BACKGROUND

On 20 October 2010, applicant filed papers using the USPTO EFS-Web system as the national stage of PCT/SE2008/000268. All other papers filed on the initial filing listed the international application as PCT/SE2009/000268.

On 16 December 2010, applicant filed the subject petition which was accompanied by a $400.00 petition fee.

DISCUSSION

In the subject petition, applicant requests that the PCT number be changed to PCT/SE2009/000268 pursuant to 37 CFR 1.182. The $400.00 petition fee has been charged to Deposit Account No. 50-3015.

A review of the above-captioned application file verifies that the wrong PCT number (PCT/SE2008/000268) was designated when filing the application electronically using the USPTO EFS-Web. The declaration and ADS lists the international application number as PCT/SE2009/000268. WIPO records also indicate that the PCT number corresponding to the title, international filing date, priority date and

listed applicant is PCT/SE2009/000268.[1]

Thus, it is clear that the subject application was intended to be filed as the national stage of PCT/SE2009/000268, but for a typographical error made upon filing.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/SE2009/000268.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] It is also noted that a national stage application of PCT/SE2008/000268 has already been filed.

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:	12/988,648	Filing date:	October 20, 2010
First Named Inventor:	Yoshihisa TAKAHASHI et al.		
Title of the Invention:	INFORMATION RECORDING MEDIUM, INFORMATION RECORDING METHOD, INFORMATION RECC		

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/JP2010/003064

The international date of the corresponding PCT application(s) is/are: April 28, 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.:	12/988,648
First Named Inventor:	Yoshihisa TAKAHASHI 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 20, 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 20, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-30	1-30	US claims 1-30 correspond to PCT/JP2010/003064 claims 1-30

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Mark D. Saralino/	Date January 5, 2011
Name (Print/Typed) Mark D. Saralino	Registration Number 34,243

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Application No.: 12/988,648

Case No: OKUDP0529US **PATENT**

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/Mark D. Saralino/ January 5, 2011
Mark D. Saralino Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yoshihisa TAKAHASHI et al.

Application No.: 12/988,648

Filing Date: October 20, 2010

For: INFORMATION RECORDING MEDIUM, INFORMATION RECORDING METHOD, INFORMATION RECORDING APPARATUS, INFORMATION REPRODUCING METHOD AND INFORMATION REPRODUCING APPARATUS

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

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Alexandria, VA 22313-1450

SUPPLEMENT TO REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH)

REMARKS

Applicants hereby submit this supplement to Applicants' request for participation in the patent prosecution highway (PPH) being filed contemporaneously herewith. In support of the request for participation in the PPH, Applicants have submitted the following documentation:

(1) a copy of the latest international work product (WO/ISA) in the corresponding PCT application

(2) a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application; and

(3) English translations of the WO/ISA and claims, including a statement that the English translation of the claims is accurate.

The current application is a §371 U.S. national stage entry of PCT Application No. PCT/JP2010/003064. Applicants explain that the claims of PCT Application No. PCT/JP2010/003064 were indicated as having novelty, inventive step and industrial applicability. As indicated in the Claims Correspondence Table included with the PPH request form, the claims in the current application sufficiently correspond to the claims of PCT Application No. PCT/JP2010/003064.

Furthermore, any references cited by the JPO as the International Searching Authority in connection with PCT Application No. PCT/JP2010/003064 have previously been submitted to the US Patent and Trademark Office on October 20, 2010 in connection with the current application.

In view of the above, Applicants respectfully request participation in the PPH. Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

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特許協力条約

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ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日 （日.月.年）　１７．０８．２０１０	
出願人又は代理人 の書類記号　P055604P0	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／ＪＰ２０１０／００３０６４	（日.月.年）　２８．０４．２０１０	（日.月.年）　０８．０５．２００９

国際特許分類（ＩＰＣ）Int.Cl. G11B20/12(2006.01)i, G11B7/004(2006.01)i, G11B7/0045(2006.01)i, G11B20/10(2006.01)i, G11B20/18(2006.01)i, G11B27/00(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
０３．０８．２０１０

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） 五貫　昭一	５Ｄ	９３６８
	電話番号　０３－３５８１－１１０１　内線　３５５１		

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／ＪＰ２０１０／００３０６４

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／ＪＰ２０１０／００３０６４

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	１－３０	有
	請求項		無
進歩性（ＩＳ）	請求項	１－３０	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	１－３０	有
	請求項		無

２．　文献及び説明

文献１：ＪＰ　４－１０３０８２　Ａ（日立マクセル株式会社）
１９９２．０４．０６，全文，第１－３図

文献２：ＪＰ　５－１３５５０２　Ａ（松下電器産業株式会社）
１９９３．０６．０１，全文，第１－６図

請求の範囲１－３０に係る発明は、国際調査報告に引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

"Document in b."

請求の範囲

[請求項1]　ブロック単位で記録再生を行う書換え型情報記録媒体であって、

前記情報記録媒体は、

ユーザデータを記録するためのユーザデータ領域と、

前記ユーザデータ領域における欠陥ブロックの代わりに使用されうる交替ブロックを含むスペア領域と、

前記ユーザデータ領域および前記スペア領域における欠陥ブロックを管理するための欠陥管理情報を記録するための欠陥管理情報領域と

を備え、

前記スペア領域は、所定の方向に向かって順に使用される領域であり、

前記欠陥管理情報は、

前記スペア領域の中に存在する欠陥ブロックを示すスペア欠陥属性と、

前記欠陥ブロックのセクタ番地を含む欠陥エントリと、

前記スペア領域において、次に前記交替ブロックとして使用可能な位置を管理するための次使用可能スペア位置情報と

を含む、情報記録媒体。

[請求項2]　前記情報記録媒体は、前記スペア領域を複数備え、

前記欠陥管理情報は、前記複数のスペア領域の各々に対応する前記次使用可能スペア位置情報を含む、請求項１に記載の情報記録媒体。

[請求項3]　前記スペア欠陥属性は、

前記スペア領域における使用不能な欠陥ブロックを示す確定スペア欠陥属性と、

以前は前記スペア領域における欠陥ブロックであったが現在は欠陥が解消されている可能性があるブロックを示す暫定スペア欠陥属性と

のうちの少なくとも一方を含む、請求項１に記載の情報記録媒体。

[請求項4]　ブロック単位で記録再生を行う書換え型情報記録媒体への情報記録

方法であって、

前記情報記録媒体は、

ユーザデータを記録するためのユーザデータ領域と、

前記ユーザデータ領域における欠陥ブロックの代わりに使用されうる交替ブロックを含むスペア領域と、

前記ユーザデータ領域および前記スペア領域における欠陥ブロックを管理するための欠陥管理情報を記録するための欠陥管理情報領域と

を備え、

前記スペア領域は、所定の方向に向かって順に使用され、

前記欠陥管理情報は、

前記スペア領域の中に存在する欠陥ブロックを示すスペア欠陥属性と、

前記欠陥ブロックのセクタ番地を含む欠陥エントリと、

前記スペア領域において、次に前記交替ブロックとして使用可能な位置を管理するための次使用可能スペア位置情報と、

を含み、

前記記録方法は、

前記次使用可能スペア位置情報と前記欠陥エントリとに基づいて、前記欠陥ブロックの代わりに交替ブロックを割り当てるステップと、

前記次使用可能スペア位置情報を更新するステップと

を包含する、情報記録方法。

[請求項5]　前記記録方法は、前記交替ブロックを割り当てた場合に、

（ａ）前記交替ブロックとして割り当てたブロックの次のブロック位置が、前記欠陥エントリの前記セクタ番地に合致するか否かを判断するステップと、

（ｂ）前記ステップ（ａ）で合致しないと判断した場合、前記次のブロック位置を指すように前記次使用可能スペア位置情報を更新するステップと、

（ｃ）前記ステップ（ａ）で合致すると判断した場合、前記欠陥エントリが示す欠陥ブロックを避けて、前記所定の方向に向かってさらに次のブロック位置を指すように前記次使用可能スペア位置情報を更新するステップと

を包含する、請求項４に記載の情報記録方法。

[請求項6]　前記スペア欠陥属性は、

前記スペア領域における使用不能な欠陥ブロックを示す確定スペア欠陥属性と、

以前は前記スペア領域における欠陥ブロックであったが現在は欠陥が解消されている可能性があるブロックを示す暫定スペア欠陥属性と

のうちの少なくとも一方を含み、

前記ステップ（ａ）は、前記次のブロック位置が、前記確定スペア欠陥属性の欠陥ブロックのセクタ番地に合致するか否かを判断するステップを含み、

前記ステップ（ｃ）は、前記ステップ（ａ）で合致すると判断した場合に、前記確定スペア欠陥属性の欠陥ブロックを避けて、前記所定の方向に向かってさらに次のブロック位置を指すように前記次使用可能スペア位置情報を更新するステップを含む、請求項５に記載の情報記録方法。

[請求項7]　前記スペア欠陥属性は、以前は前記スペア領域における欠陥ブロックであったが現在は欠陥が解消されている可能性があるブロックを示す暫定スペア欠陥属性を含み、

前記記録方法は、

（ａ）前記交替ブロックとして割り当てたブロックの次のブロック位置が、前記暫定スペア欠陥属性の欠陥ブロックのセクタ番地に合致するか否かを判断するステップと、

（ｂ）前記ステップ（ａ）で合致すると判断した場合、前記次のブロック位置を指すように前記次使用可能スペア位置情報を更新するス

テップと

をさらに包含する、請求項４に記載の情報記録方法。

[請求項8]　前記スペア欠陥属性は、以前は前記スペア領域における欠陥ブロックであったが現在は欠陥が解消されている可能性があるブロックを示す暫定スペア欠陥属性を含み、

前記交替ブロックを割り当てるときに、前記次使用可能スペア位置情報が示すブロックが、前記欠陥エントリの前記セクタ番号に合致しない場合は、前記次使用可能スペア領域情報が示すブロックを交替ブロックとして割り当て、

前記交替ブロックを割り当てるときに、前記次使用可能スペア位置情報が示すブロックが、前記暫定スペア欠陥属性で管理されるセクタ番号に合致する場合は、

（ａ）前記暫定スペア欠陥属性で管理されるブロックを交替ブロックとして割り当てるステップと、

（ｂ）前記暫定スペア欠陥属性で管理されるブロックを前記所定の方向に向かってスキップした次のブロックを交替ブロックとして割り当てるステップと

のうちの一方のステップを実行する、請求項４に記載の情報記録方法。

[請求項9]　前記記録方法は、前記交替ブロックを割り当てる場合に、

（ａ）前記次使用可能スペア位置情報が、前記欠陥エントリの前記セクタ番地に合致するか否かを判断するステップと、

（ｂ）前記ステップ（ａ）で合致しないと判断した場合、前記次使用可能スペア位置情報が示すブロックを前記交替ブロックとして決定するステップと、

（ｃ）前記ステップ（ａ）で合致すると判断した場合、前記欠陥エントリが示す欠陥ブロックを避けて、前記所定の方向に向かって次のブロックを前記交替ブロックとして決定するステップと

を備え、

更新する場合に、

（ｄ）前記ステップ（ｂ）または（ｃ）で交替ブロックとして決定したブロックの次のブロック位置を指すように前記次使用可能スペア位置情報を更新するステップ

を備える、請求項４に記載の情報記録方法。

[請求項10]　前記情報記録媒体は、前記スペア領域を複数備え、

前記欠陥管理情報は、前記複数のスペア領域の各々に対応する前記次使用可能スペア位置情報を含み、

前記ステップ（ａ）は、

前記複数のスペア領域の中から、前記交替ブロックを割り当てるために使用するスペア領域を選択するステップと、

前記選択した前記スペア領域に対応する前記次使用可能スペア位置情報が、前記欠陥エントリの前記セクタ番地に合致するか否かを判断するステップと

を含む、請求項９に記載の情報記録方法。

[請求項11]　前記ステップ（ａ）は、

前記次使用可能スペア位置情報と一致するか比較すべき前記欠陥エントリを確定するステップと

一致した場合に、一致するか比較すべき前記欠陥エントリを次の欠陥エントリに更新するステップと

を含む、請求項９に記載の情報記録方法。

[請求項12]　前記スペア欠陥属性は、

前記スペア領域における使用不能な欠陥ブロックを示す確定スペア欠陥属性と、

以前は前記スペア領域における欠陥ブロックであったが現在は欠陥が解消されている可能性があるブロックを示す暫定スペア欠陥属性と

を含み、

前記ステップ（ａ）は、

前記次使用可能スペア位置情報と同じセクタ番地を有する前記暫定スペア欠陥属性の前記欠陥エントリを削除するステップと、

前記次使用可能スペア位置情報が、前記確定スペア欠陥属性の前記欠陥エントリの前記セクタ番地に合致するか否かを判断するステップと

を含む、請求項９に記載の情報記録方法。

[請求項13]　ブロック単位で記録再生を行う書換え型情報記録媒体へ情報を記録する情報記録装置であって、

前記情報記録媒体は、

ユーザデータを記録するためのユーザデータ領域と、

前記ユーザデータ領域における欠陥ブロックの代わりに使用されうる交替ブロックを含むスペア領域と、

前記ユーザデータ領域および前記スペア領域における欠陥ブロックを管理するための欠陥管理情報を記録するための欠陥管理情報領域と

を備え、

前記スペア領域は、所定の方向に向かって順に使用され、

前記欠陥管理情報は、

前記スペア領域の中に存在する欠陥ブロックを示すスペア欠陥属性と、

前記欠陥ブロックのセクタ番地を含む欠陥エントリと、

前記スペア領域において、次に前記交替ブロックとして使用可能な位置を管理するための次使用可能スペア位置情報と

を含み、

前記情報記録装置は、

前記次使用可能スペア位置情報と前記欠陥エントリとに基づいて、前記欠陥ブロックの代わりに交替ブロックを割り当て、

前記次使用可能スペア位置情報を更新する、情報記録装置。

[請求項14]　前記記録装置は、前記交替ブロックを割り当てた場合に、

前記交替ブロックとして割り当てたブロックの次のブロック位置が、前記欠陥エントリの前記セクタ番地に合致するか否かを判断し、

合致しないと判断した場合、前記次のブロック位置を指すように前記次使用可能スペア位置情報を更新し、

合致すると判断した場合、前記欠陥エントリが示す欠陥ブロックを避けて、前記所定の方向に向かってさらに次のブロック位置を指すように前記次使用可能スペア位置情報を更新する、請求項１３に記載の情報記録装置。

[請求項15]　前記スペア欠陥属性は、

前記スペア領域における使用不能な欠陥ブロックを示す確定スペア欠陥属性と、

以前は前記スペア領域における欠陥ブロックであったが現在は欠陥が解消されている可能性があるブロックを示す暫定スペア欠陥属性と

のうちの少なくとも一方を含み、

前記記録装置は、

前記交替ブロックとして割り当てたブロックの次のブロック位置が、前記確定スペア欠陥属性の欠陥ブロックのセクタ番地に合致するか否かを判断し、

合致すると判断した場合、前記確定スペア欠陥属性の欠陥ブロックを避けて、前記所定の方向に向かってさらに次のブロック位置を指すように前記次使用可能スペア位置情報を更新する、請求項１４に記載の情報記録装置。

[請求項16]　前記スペア欠陥属性は、以前は前記スペア領域における欠陥ブロックであったが現在は欠陥が解消されている可能性があるブロックを示す暫定スペア欠陥属性を含み、

前記記録装置は、

前記交替ブロックとして割り当てたブロックの次のブロック位置が

、前記暫定スペア欠陥属性の欠陥ブロックのセクタ番地に合致するか否かを判断し、

合致すると判断した場合、前記交替ブロックとして割り当てたブロックの次のブロック位置を指すように前記次使用可能スペア位置情報を更新する、請求項１３に記載の情報記録装置。

[請求項17]　前記スペア欠陥属性は、以前は前記スペア領域における欠陥ブロックであったが現在は欠陥が解消されている可能性があるブロックを示す暫定スペア欠陥属性を含み、

前記記録装置は、前記交替ブロックを割り当てるときに、

前記次使用可能スペア位置情報が示すブロックが、前記欠陥エントリの前記セクタ番号に合致しない場合は、前記次使用可能スペア領域情報が示すブロックを交替ブロックとして割り当て、

前記次使用可能スペア位置情報が示すブロックが、前記暫定スペア欠陥属性で管理される前記セクタ番号に合致する場合は、

（ａ）前記暫定スペア欠陥属性で管理されるブロックを交替ブロックとして割り当てる、

（ｂ）前記暫定スペア欠陥属性で管理されるブロックを前記所定の方向に向かってスキップした次のブロックを交替ブロックとして割り当てる、

のうちのいずれかを実行して前記交替ブロックを割り当てる、請求項１３に記載の情報記録装置。

[請求項18]　前記記録装置は、

前記交替ブロックを割り当てる動作を実行するために、前記次使用可能スペア位置情報が、前記欠陥エントリの前記セクタ番地に合致するか否かを判断する判断部と、

前記判断部で合致しないと判断した場合、前記次使用可能スペア位置情報が示すブロックを前記交替ブロックとして決定する決定部と

を備え、

前記決定部は、前記判断部で合致すると判断した場合、前記欠陥エントリが示す欠陥ブロックを避けて、前記所定の方向に向かって次のブロックを前記交替ブロックとして決定し、

前記記録装置は、

前記決定部が交替ブロックとして決定したブロックの次のブロック位置を指すように前記次使用可能スペア位置情報を更新する更新部をさらに備える、請求項１３に記載の情報記録装置。

[請求項19]　前記情報記録媒体は、前記スペア領域を複数備え、

前記欠陥管理情報は、前記複数のスペア領域の各々に対応する前記次使用可能スペア位置情報を含み、

前記判断部は、

前記複数のスペア領域の中から、前記交替ブロックを割り当てるために使用するスペア領域を選択し、

前記選択したスペア領域に対応する前記次使用可能スペア位置情報が、前記欠陥エントリの前記セクタ番地に合致するか否かを判断する、請求項１８に記載の情報記録装置。

[請求項20]　前記判断部は、

前記次使用可能スペア位置情報と一致するか比較すべき前記欠陥エントリを確定し、

一致した場合に、一致するか比較すべき前記欠陥エントリを次の欠陥エントリに更新する、請求項１８に記載の情報記録装置。

[請求項21]　前記スペア欠陥属性は、

前記スペア領域において使用不能な欠陥ブロックを示す確定スペア欠陥属性と、

以前は前記スペア領域における欠陥ブロックであったが現在は欠陥が解消されている可能性があるブロックを示す暫定スペア欠陥属性とを含み、

前記判断部は、前記次使用可能スペア位置情報と同じセクタ番地を

有する前記暫定スペア欠陥属性の前記欠陥エントリを削除し、

前記次使用可能スペア位置情報が、前記確定スペア欠陥属性の前記欠陥エントリの前記セクタ番地に合致するか否かを判断する、請求項１８に記載の情報記録装置。

[請求項22]　請求項４に記載の情報記録方法によって情報が記録された情報記録媒体から前記情報を再生する情報再生方法であって、

前記割り当てられた交替ブロックを再生することで前記情報を読み出す、情報再生方法。

[請求項23]　請求項１３に記載の情報記録装置によって情報が記録された情報記録媒体から前記情報を再生する情報再生装置であって、

前記割り当てられた交替ブロックを再生することで前記情報を読み出す、情報再生装置。

[請求項24]　ブロック単位で記録再生を行う書換え型情報記録媒体への情報記録方法であって、

前記情報記録媒体は、

ユーザデータを記録するためのユーザデータ領域と、

前記ユーザデータ領域における欠陥ブロックの代わりに使用されうる交替ブロックを含むスペア領域と、

前記ユーザデータ領域および前記スペア領域における欠陥ブロックを管理するための欠陥管理情報を記録するための欠陥管理情報領域と

を備え、

前記スペア領域は、所定の方向に向かって順に使用され、

前記欠陥管理情報は、

欠陥ブロックのセクタ番地を含む欠陥エントリと、

前記スペア領域において、次に前記交替ブロックとして使用可能な位置を管理するための次使用可能スペア位置情報と

を含み、

前記情報記録方法は、

（ａ）前記ユーザデータ領域の欠陥ブロックを検出するステップと、

（ｂ）前記スペア領域の欠陥ブロックを検出するステップと、

（ｃ）前記ステップ（ａ）で検出した欠陥ブロックの代わりに使用する前記交替ブロックとして、前記ステップ（ｂ）で検出した欠陥ブロックを避けつつ、前記所定の方向に沿って前詰めで順に前記スペア領域のブロックを割り当てるステップと、

（ｄ）前記ステップ（ａ）で検出した欠陥ブロックのセクタ番号を含む前記欠陥エントリを前記欠陥管理情報に登録するステップと、

（ｅ）前記ステップ（ｃ）で割り当てた前記交替ブロックの次のブロック位置を指すように前記次使用可能スペア位置情報を更新するステップと、

（ｆ）前記ステップ（ｄ）および（ｅ）で更新された前記欠陥管理情報を、前記欠陥管理情報領域へ記録するステップと

を包含する、情報記録方法。

[請求項25]　前記情報記録媒体は、前記スペア領域を複数備え、

前記欠陥管理情報は、前記複数のスペア領域の各々に対応する前記スペア領域使用位置情報を含み、

前記ステップ（ｃ）は、前記複数のスペア領域の中から、前記交替ブロックを割り当てるために使用するスペア領域を選択するステップを含み、

前記ステップ（ｅ）は、前記ステップ（ｃ）で割り当てた前記交替ブロックの次のブロック位置を指すように、前記選択したスペア領域に対応する前記次使用可能スペア位置情報を更新するステップを含む、請求項２４に記載の情報記録方法。

[請求項26]　ブロック単位で記録再生を行う書換え型情報記録媒体へ情報を記録する情報記録装置であって、

前記情報記録媒体は、

ユーザデータを記録するためのユーザデータ領域と、

前記ユーザデータ領域における欠陥ブロックの代わりに使用されうる交替ブロックを含むスペア領域と、

前記ユーザデータ領域および前記スペア領域における欠陥ブロックを管理するための欠陥管理情報を記録するための欠陥管理情報領域と

を備え、

前記スペア領域は、所定の方向に向かって順に使用され、

前記欠陥管理情報は、

欠陥ブロックのセクタ番地を含む欠陥エントリと

前記スペア領域において、次に前記交替ブロックとして使用可能な位置を管理するための次使用可能スペア位置情報と

を含み、

前記情報記録装置は、

前記ユーザデータ領域の欠陥ブロックを検出するユーザデータ領域欠陥ブロック検出部と、

前記スペア領域の欠陥ブロックを検出するスペア領域欠陥ブロック検出部と、

前記検出したユーザデータ領域の欠陥ブロックの代わりに使用する前記交替ブロックとして、前記検出したスペア領域の欠陥ブロックを避けつつ、前記所定の方向に沿って前詰めで順に前記スペア領域のブロックを割り当て、前記検出したユーザデータ領域の欠陥ブロックのセクタ番号を含む前記欠陥エントリを前記欠陥管理情報に登録する交替ブロック算出部と、

前記割り当てた交替ブロックの次のブロック位置を指すように前記次使用可能スペア位置情報を更新する次使用可能スペア位置情報更新部と、

前記交替ブロック算出部および次使用可能スペア位置情報更新部で更新された前記欠陥管理情報を、前記欠陥管理情報領域へ記録する管

理情報記録部と

を備える、情報記録装置。

[請求項27]　前記情報記録媒体は、前記スペア領域を複数備え、

前記欠陥管理情報は、前記複数のスペア領域の各々に対応する前記スペア領域使用位置情報を含み、

前記交替ブロック算出部は、前記複数のスペア領域の中から、前記交替ブロックを割り当てるために使用するスペア領域を選択し、

前記次使用可能スペア位置情報更新部は、前記割り当てた交替ブロックの次のブロック位置を指すように、前記選択したスペア領域に対応する前記次使用可能スペア位置情報を更新する、請求項２６に記載の情報記録装置。

[請求項28]　請求項２４に記載の情報記録方法によって情報が記録される情報記録媒体であって、

ユーザデータを記録するためのユーザデータ領域と、

前記ユーザデータ領域における欠陥ブロックの代わりに使用されうる交替ブロックを含むスペア領域と、

前記ユーザデータ領域および前記スペア領域における欠陥ブロックを管理するための欠陥管理情報を記録するための欠陥管理情報領域と

を備え、

前記スペア領域は、所定の方向に向かって順に使用される領域であり、

前記欠陥管理情報は、

欠陥ブロックのセクタ番地を含む欠陥エントリと、

前記スペア領域において、次に前記交替ブロックとして使用可能な位置を管理するための次使用可能スペア位置情報と

を含み、

前記更新された欠陥管理情報が、前記欠陥管理情報領域に記録される、情報記録媒体。

[請求項29]　請求項２４に記載の情報記録方法によって情報が記録された情報記録媒体から前記情報を再生する情報再生方法であって、

前記割り当てられた交替ブロックを再生することで前記情報を読み出す、情報再生方法。

[請求項30]　請求項２６に記載の情報記録装置によって情報が記録された情報記録媒体から前記情報を再生する情報再生装置であって、

前記割り当てられた交替ブロックを再生することで前記情報を読み出す、情報再生装置。

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)*	17. 08. 2010
Applicant's or agent's file reference P055604P0	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/003064	28. 04. 2010	08. 05. 2009

International Patent Classification (IPC) or both national classification and IPC

Int.Cl. G11B20/12(2006.01)i, G11B7/004(2006.01)i, G11B7/0045(2006.01)i, G11B20/10(2006.01)i, G11B20/18(2006.01)i, G11B27/00(2006.01)i

Applicant

PANASONIC CORPORATION

1. This opinion contains indications relating to the following items:

- [x] Box No. I — Basis of the opinion
- [ ] Box No. II — Priority
- [ ] Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV — Lack of unity of invention
- [x] Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step 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.	03. 08. 2010	Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/003064

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/JP2010/003064

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		NO
Inventive step (IS)	Claims	1－30	YES
	Claims		NO
Industrial applicability (IA)	Claims	1－30	YES
	Claims		NO

2. Citations and explanations:

See next page.

Partial English Translation of Form PCT/ISA/237 (Opinion of the Examiner) for PCT/JP2010/003064

2. Citations and explanations

Document 1: JP 4-103082 A (Hitachi Maxell, Ltd.)
1992.04.06, all text, FIGS. 1-3

Document 2: JP 5-135502 A (Matsushita Electric Industrial Co., Ltd.)
1993.06.01, all text, FIGS. 1-6

The inventions defined by claims 1-30 are not described in any of the documents cited in the International Search Report and are nonobvious for a person skilled in the art.

IN THE MATTER OF

PATENT APPLICATION

C E R T I F I C A T E

I, Tomooki SEKI, residing at 2-4-1-1908, Kyomachibori, Nishi-ku, Osaka-shi, Osaka 550-0003 Japan, hereby certify that I am well acquainted with the English and Japanese languages and that the document attached hereto is a translation made by me of the **Claims of PCT Application No. PCT/JP2010/003064** and certify that it is a true translation to the best of my knowledge and belief.

Dated this **28th** day of **December, 2010**

Signature Tomooki Seki

Tomooki SEKI

"English translation of document in b."

CLAIMS

1. A rewritable information recording medium on which a read/write operation is performed on a block-by-block basis,

the information recording medium comprising:

a user data area to store user data written thereon;

a spare area including a replacement block that would replace a defective block in the user data area; and

a defect management information area to store defect management information for use to manage the defective block in the user data area or the spare area,

wherein the spare area is used sequentially in a predetermined direction, and

wherein the defect management information includes:

a spare defect attribute indicating the defective block, if any, in the spare area;

a defect entry specifying the sector address of the defective block; and

next available spare location information for use to manage a location in the spare area from which a next replacement block is available.

2. The information recording medium of claim 1, wherein the information recording medium includes multiple spare areas, and

wherein the defect management information includes the next available spare location information that is defined for each of those multiple spare areas.

3. The information recording medium of claim 1, wherein the spare defect attribute includes at least one of:

a definite spare defect attribute indicating that the defective block in the spare area is definitely unusable; and

a provisional spare defect attribute indicating that the defective block in the spare area used to be a defective one but may have had its defect repaired by now.

4. A method for writing information on a rewritable information recording medium on which a read/write operation is performed on a block-by-block basis,

wherein the information recording medium includes:

a user data area to store user data written thereon;

a spare area including a replacement block that would replace a defective block in the user data area; and

a defect management information area to store defect management information for use to manage the defective block in the user data area or the spare area, and

wherein the spare area is used sequentially in a predetermined direction, and

wherein the defect management information includes:

a spare defect attribute indicating the defective block, if any, in the spare area;

a defect entry specifying the sector address of the defective block; and

next available spare location information for use to manage a location in the spare area from which a next replacement block is available, and

wherein the method comprises the steps of:

allocating a replacement block to the defective block by reference to the next available spare location information and the defect entry; and

updating the next available spare location information.

5. The information writing method of claim 4, comprising, if the replacement block has been allocated, the steps of:

(a) determining whether or not the location of the next block that follows the replacement block allocated matches to the sector address specified by the defect entry;

if the answer to the step (a) is NO, then

(b) updating the next available spare location information so that the information indicates the location of that next block; but

if the answer to the step (a) is YES, then

(c) updating the next available spare location information so that the information indicates the location of a block that follows that next one in the predetermined direction with the defective block indicated by the defect entry avoided.

6. The information writing method of claim 5, wherein

the spare defect attribute includes at least one of:

a definite spare defect attribute indicating that the defective block in the spare area is definitely unusable; and

a provisional spare defect attribute indicating that the defective block in the spare area used to be a defective one but may have had its defect repaired by now, and

wherein the step (a) includes determining whether or not the location of the next block matches to the sector address of the defective block having the definite spare defect attribute, and

wherein if the answer to the step (a) is YES, the step (c) includes updating the next available spare location information so that the information indicates the location of a block that follows that next one in the predetermined direction with the defective block having the definite spare defect attribute avoided.

7. The information writing method of claim 4, wherein the spare defect attribute includes a provisional spare defect attribute indicating that the defective block in the

spare area used to be a defective one but may have had its defect repaired by now, and

wherein the writing method comprises the steps of:

(a) determining whether or not the location of the next block that follows the replacement block allocated matches to the sector address of the defective block having the provisional spare defect attribute; and

if the answer to the step (a) is YES, then

(b) updating the next available spare location information so that the information indicates the location of that next block.

8. The information writing method of claim 4, wherein the spare defect attribute includes a provisional spare defect attribute indicating that the defective block in the spare area used to be a defective one but may have had its defect repaired by now, and

wherein if it has turned out, while the replacement block is being allocated, that the location of the block indicated by the next available spare location information

does not match to the sector address specified by the defect entry, the block pointed to by the next available spare location information is allocated as the replacement block, but

if it has turned out, while the replacement block is being allocated, that the location of the block indicated by the next available spare location information matches to the sector address managed by the provisional spare defect attribute, then performed is one of the steps of:

(a) allocating the block managed by the provisional spare defect attribute as the replacement block; and

(b) allocating a next block, which is determined by skipping that block managed by the provisional spare defect attribute in the predetermined direction, as the replacement block.

9. The information writing method of claim 4, comprising, if the replacement block is allocated, the steps of:

(a) determining whether or not the location indicated by

the next available spare location information provided matches to the sector address specified by the defect entry;

if the answer to the step (a) is NO, then

(b) determining the block pointed to by the next available spare location information to be the replacement block, but

if the answer to the step (a) is YES, then

(c) avoiding the defective block indicated by the defect entry and determining the next block that follows the defective block in the predetermined direction to be the replacement block, and

wherein the method further includes the step of

(d) updating, if necessary, the next available spare location information so that the information indicates the location of a block that follows the block that has been determined to be the replacement block in either the step (b) or (c).

10. The information writing method of claim 9, wherein the information recording medium includes multiple spare

areas, and

wherein the defect management information includes the next available spare location information that is defined for each of those multiple spare areas, and

wherein the step (a) includes the steps of:

choosing one of the multiple spare areas that needs to be used to allocate the replacement block; and

determining whether or not the next available spare location information provided for that spare area chosen matches to the sector address specified by the defect entry.

11. The information writing method of claim 9, wherein the step (a) includes the steps of:

deciding the defect entry, to which the next available spare location information needs to be compared, to see if the entry matches to the information; and

if the answer is YES, then

updating the defect entry, to which the next available spare location information needs to be compared to see if they match, into a next defect entry.

12. The information writing method of claim 9, wherein the spare defect attribute includes:

a definite spare defect attribute indicating that the defective block in the spare area is definitely unusable; and

a provisional spare defect attribute indicating that the defective block in the spare area used to be a defective one but may have had its defect repaired by now,

wherein the step (a) includes the steps of:

deleting the defect entry having the provisional spare defect attribute if the defect entry specifies the same sector address as the one indicated by the next available spare location information; and

determining whether or not the location indicated by the next available spare location information matches to the sector address specified by the defect entry having the definite spare defect attribute.

13. An information writing apparatus for writing information on a rewritable information recording medium on

which a read/write operation is performed on a block-by-block basis,

wherein the information recording medium includes:

a user data area to store user data written thereon;

a spare area including a replacement block that would replace a defective block in the user data area; and

a defect management information area to store defect management information for use to manage the defective block in the user data area or the spare area, and

wherein the spare area is used sequentially in a predetermined direction, and

wherein the defect management information includes:

a spare defect attribute indicating the defective block, if any, in the spare area;

a defect entry specifying the sector address of the defective block; and

next available spare location information for use to manage a location in the spare area from which a next replacement block is available, and

wherein the information writing apparatus allocates a

replacement block to the defective block by reference to the next available spare location information and the defect entry and updates the next available spare location information.

14. The information writing apparatus of claim 13, wherein if the replacement block has been allocated, the apparatus determines whether or not the location of the next block that follows the replacement block allocated matches to the sector address specified by the defect entry,

wherein if the apparatus has decided that the location does not match to the sector address, the apparatus updates the next available spare location information so that the information indicates the location of that next block; but

if the apparatus has decided that the location does match to the sector address, then the apparatus updates the next available spare location information so that the information indicates the location of a block that follows that next one in the predetermined direction with the defective block indicated by the defect entry avoided.

15. The information writing apparatus of claim 14, wherein the spare defect attribute includes at least one of:

a definite spare defect attribute indicating that the defective block in the spare area is definitely unusable; and

a provisional spare defect attribute indicating that the defective block in the spare area used to be a defective one but may have had its defect repaired by now, and

wherein the writing apparatus determines whether or not the location of the next block that follows the block allocated as the replacement block matches to the sector address of the defective block having the definite spare defect attribute, and

wherein if the apparatus has decided that the location matches to the sector address, the apparatus updates the next available spare location information so that the information indicates the location of a block that follows that next one in the predetermined direction with the defective block having the definite spare defect attribute avoided.

16. The information writing apparatus of claim 13,

wherein the spare defect attribute includes a provisional spare defect attribute indicating that the defective block in the spare area used to be a defective one but may have had its defect repaired by now, and

wherein the writing apparatus determines whether or not the location of the next block that follows the replacement block allocated matches to the sector address of the defective block having the provisional spare defect attribute, and

wherein if the apparatus has decided that the location does match to the sector address, then the apparatus updates the next available spare location information so that the information indicates the location of that next block that follows the block allocated as the replacement block.

17. The information writing apparatus of claim 13, wherein the spare defect attribute includes a provisional spare defect attribute indicating that the defective block in the spare area used to be a defective one but may have had its defect repaired by now, and

wherein if the writing apparatus has found, while allocating the replacement block, that the location of the block indicated by the next available spare location information does not match to the sector address specified by the defect entry, the apparatus allocates the block pointed to by the next available spare location information as the replacement block, but

if the apparatus has found, while allocating the replacement block, that the location of the block indicated by the next available spare location information matches to the sector address managed by the provisional spare defect attribute, then the apparatus allocates the replacement block by either

(a) allocating the block managed by the provisional spare defect attribute as the replacement block, or

(b) allocating a next block, which is determined by skipping that block managed by the provisional spare defect attribute in the predetermined direction, as the replacement block.

18. The information writing apparatus of claim 13, wherein the apparatus comprises:

a decision section for deciding, to allocate the replacement block, whether or not the location indicated by the next available spare location information provided matches to the sector address specified by the defect entry; and

a determining section that determines, if the decision section has found the location and the sector address not matching to each other, the block pointed to by the next available spare location information to be the replacement block,

wherein if the decision section has found the location and the sector address matching to each other, the determining section determines the next block that follows, in the predetermined direction, the defective block indicated by the defect entry to be the replacement block, and

wherein the writing apparatus further comprises an updating section for updating the next available spare location information so that the information indicates the location of the next block that follows the one determined to

be the replacement block by the determining section.

19. The information writing apparatus of claim 18, wherein the information recording medium includes multiple spare areas, and

wherein the defect management information includes the next available spare location information that is defined for each of those multiple spare areas, and

wherein the decision section chooses one of the multiple spare areas that needs to be used to allocate the replacement block and determines whether or not the next available spare location information provided for that spare area chosen matches to the sector address specified by the defect entry.

20. The information writing apparatus of claim 18, wherein the decision section decides the defect entry, to which the next available spare location information needs to be compared, to see if the entry matches to the information, and

wherein if the decision section has found the entry and

the information matching, then the decision section updates the defect entry, to which the next available spare location information needs to be compared to see if they match, into a next defect entry.

21. The information writing apparatus of claim 18, wherein the spare defect attribute includes:

a definite spare defect attribute indicating that the defective block in the spare area is definitely unusable; and

a provisional spare defect attribute indicating that the defective block in the spare area used to be a defective one but may have had its defect repaired by now,

wherein the decision section deletes the defect entry having the provisional spare defect attribute if the defect entry specifies the same sector address as the one indicated by the next available spare location information, and determines whether or not the location indicated by the next available spare location information matches to the sector address specified by the defect entry having the definite spare defect attribute.

22. A method for reading information from an information recording medium on which the information has been written by the method of claim 4,

wherein the information is retrieved by scanning the replacement block allocated.

23. An apparatus for reading information from an information recording medium on which the information has been written by the apparatus of claim 13,

wherein the information is retrieved by scanning the replacement block allocated.

24. A method for writing information on a rewritable information recording medium on which a read/write operation is performed on a block-by-block basis,

wherein the information recording medium includes:

a user data area to store user data written thereon;

a spare area including a replacement block that would replace a defective block in the user data area; and

a defect management information area to store defect management information for use to manage the defective block in the user data area or the spare area, and

wherein the spare area is used sequentially in a predetermined direction, and

wherein the defect management information includes:

a defect entry specifying the sector address of the defective block; and

next available spare location information for use to manage a location in the spare area from which a next replacement block is available, and

wherein the information writing method comprises the steps of:

(a) detecting a defective block in the user data area;

(b) detecting a defective block in the spare area;

(c) allocating a replacement block to the defective block that has been detected in the step (a) so that the defective block detected in the step (b) is avoided and that blocks of the spare area are sequentially used in a predetermined direction on a first come, first use basis;

(d) adding a defect entry, including the sector address of the defective block that has been detected in the step (a), to the defect management information;

(e) updating the next available spare location information so that the information indicates the location of the next block that follows the replacement block allocated in the step (c); and

(f) writing the defect management information that has been updated in the steps (d) and (e) on the defect management information area.

25. The information writing method of claim 24, wherein the information recording medium includes multiple spare areas, and

wherein the defect management information includes the next available spare location information that is defined for each said spare area, and

wherein the step (c) includes choosing one of the spare areas that is going to be used to allocate the replacement block, and

wherein the step (e) includes updating the next available spare location information for the spare area chosen so that the information indicates the location of the next block that follows the replacement block allocated in the step (c).

26. An information writing apparatus for writing information on a rewritable information recording medium on which a read/write operation is performed on a block-by-block basis,

wherein the information recording medium includes:

a user data area to store user data written thereon;

a spare area including a replacement block that would replace a defective block in the user data area; and

a defect management information area to store defect management information for use to manage the defective block in the user data area or the spare area, and

wherein the spare area is used sequentially in a predetermined direction, and

wherein the defect management information includes:

a defect entry specifying the sector address of the defective block; and

next available spare location information for use to manage a location in the spare area from which a next replacement block is available, and

wherein the information writing apparatus comprises:

a user data area defective block detecting section for detecting a defective block in the user data area;

a spare area defective block detecting section for detecting a defective block in the spare area;

a replacement block calculating section for allocating a replacement block to the defective block that has been detected in the user data area so that the defective block detected in the spare area is avoided and that blocks of the spare area are sequentially used in a predetermined direction on a first come, first use basis and for adding a defect entry, specifying the sector address of the defective block that has been detected in the user data area, to the defect management information;

a next available spare location information updating

section for updating the next available spare location information so that the information indicates the location of the next block that follows the replacement block allocated; and

a management information writing section for writing the defect management information that has been updated by the replacement block calculating section and the next available spare location information updating section on the defect management information area.

27. The information writing apparatus of claim 26, wherein the information recording medium includes multiple spare areas, and

wherein the defect management information includes the next available spare location information that is defined for each said spare area, and

wherein the replacement block calculating section chooses one of the spare areas that is going to be used to allocate the replacement block, and

wherein the next available spare location information

updating section updates the next available spare location information for the spare area chosen so that the information indicates the location of the next block that follows the replacement block allocated.

28. An information recording medium on which information is written by the information writing method of claim 24, the recording medium comprising:

a user data area to store user data written thereon;

a spare area including a replacement block that would replace a defective block in the user data area; and

a defect management information area to store defect management information for use to manage the defective block in the user data area or the spare area, and

wherein the spare area is used sequentially in a predetermined direction, and

wherein the defect management information includes:

a defect entry specifying the sector address of the defective block; and

next available spare location information for use to

manage a location in the spare area from which a next replacement block is available, and

wherein the defect management information updated is written on the defect management information area.

29. A method for reading information from an information recording medium on which the information has been written by the information writing method of claim 24,

wherein the information is retrieved by scanning the replacement block allocated.

30. An information reading apparatus for reading information from an information recording medium on which the information has been written by the information writing apparatus of claim 26,

wherein the information is retrieved by scanning the replacement block allocated.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/988,648	10/20/2010	Yoshihisa Takahashi	OKUDP0529US	3136

51921 7590 03/24/2011
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EXAMINER

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
03/24/2011	PAPER

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MARK D. SARALINO (PAN)
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1621 EUCLID AVENUE
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CLEVELAND OH 44115

In re Application of	:	
TAKAHASHI, YOSHIHISA, et al.	:	DECISION ON REQUEST TO
Application No. 12/988,648	:	PARTICIPATE IN PATENT
Filed: October 20, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **OKUDP0529US**	:	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 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 Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/988,649	02/09/2011	Mikio Iwamura	17470/090001	3139

22511 7590 06/27/2011
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EXAMINER
PHUNKULH, BOB A

ART UNIT	PAPER NUMBER
2477	

NOTIFICATION DATE	DELIVERY MODE
06/27/2011	ELECTRONIC

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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JUN 24 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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In re Application of: IWAMURA, MIKIO et al.
Application No. 12988649
Filed: February 09, 2011
For: **MOBILE COMMUNICATION METHOD, RADIO BASE STATION, AND MOBILE 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 20, 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

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PCT LEGAL ADMINISTRATION

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1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of	:	
HOOGER-BRUGE et al.	:	
Application No.: 12/988,669	:	DECISION
PCT No.: PCT/IB2009/051649	:	
Int. Filing Date: 22 April 2009	:	
Priority Date: 22 April 2008	:	
Attorney's Docket No.: 81049969 US05	:	
For: CACHE CIRCUITS THAT ALLOW	:	
WRITING TO NOT PREVIOUSLY LOADED	:	
CACHE LINES	:	

This decision is in response to applicants' submission filed 20 October 2010 which includes, inter alia, a "NOTIFICATION OF ERROR IN INVENTOR NAME" which has properly been treated as a petition under 37 CFR 1.181 or alternatively as a petition under 37 CFR 1.182.

BACKGROUND

On 22 April 2009, applicant filed international application PCT/IB2009/051649, which designated the U.S. and claimed a priority date of 22 April 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 29 October 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 October 2010.

On 20 October 2010, applicant filed, *inter alia*, a transmittal letter (Form PTO-1390) for entry into the national phase in the United States, the U.S. Basic National Fee, a declaration of inventors, and the instant petition under 37 CFR 1.181 or alternatively as a petition under 37 CFR 1.182.

DISCUSSION

There is a difference in names of the second-named inventor between the published international application (Terechko ANDREI SERGEEVICH) and the declaration of inventors (Andrei Sergeevich TERECHKO).

Petition Under 37 CFR 1.181

The petition urges that the second named inventor was inadvertently listed as Terechko ANDREI SERGEEVICH in the international application but that this error was corrected with the corrected version published on 29 October 2009. However, the corrected version corrects only the name of the corporate applicant and not the name of the second-named inventor. Additionally, the petition urges that pursuant to MPEP § 1893.01(e), if the difference in the name of the inventor is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 is not be required. However, the difference in names in this instance is more than a mere typographical error, a transliteration error, or a phonetic misspelling of applicant's legal name. Accordingly, a proper petition under 37 CFR 1.182 is required in order to resolve the matter.

Petition Under 37 CFR 1.182

The petition fee has been charged to Deposit Account 50-4019. Mr. Terechko has provided a statement explaining that the name as set forth in the international application (Terechko ANDREI SERGEEVICH) is incorrect and that the name in the declaration of inventors (Andrei Sergeevich TERECHKO) is correct and that the error occurred without any deceptive intention on his part. The inventor's name has been changed in USPTO records.

Declaration of Inventors

The declaration of inventors filed 20 October 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.182 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 Jan HOOGER-BRUGGE and Andrei Sergeevich TERECHKO as inventors.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/988,689	10/20/2010	Kazuo Miwa	1034301-000058	3522

21839 7590 01/14/2011
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

ART UNIT	PAPER NUMBER
3753	

NOTIFICATION DATE	DELIVERY MODE
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ALEXANDRIA VA 22313-1404

In re Application of	:	
MIWA, KAZUO	:	DECISION ON REQUEST TO
Application No. 12/988,689	:	PARTICIPATE IN PATENT
Filed: Oct. 20, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 1034301-000058	:	PROGRAM AND PETITION
For: WATER SAVING TOOL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 3, 2010 to make the above-identified application special.

The request and petition are **dismissed**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Items1 and #2 above. The request to participate in the PPH pilot program and petition fail to include a copy of the JPO allowed claims in Japanese language.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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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.
12/988,689	10/20/2010	Kazuo Miwa	1034301-000058	3522

21839 7590 02/03/2011
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

ART UNIT	PAPER NUMBER
3753	

NOTIFICATION DATE	DELIVERY MODE
02/03/2011	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):

ADIPFDD@bipc.com
offserv@bipc.com

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POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
MIWA, KAZUO	:	DECISION ON REQUEST TO
Application No. 12/988,689	:	PARTICIPATE IN PATENT
Filed: Oct. 20, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 1034301-000058	:	PROGRAM AND PETITION
For: WATER SAVING TOOL	:	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 Feb. 1, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) 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 Stephen Hepperle, SPE of Art Unit 3753, and 571-272-4913 for Class 137/603 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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PINTAS LLC
P.O. BOX 190943
BOISE, ID 83719

MAILED
MAY 03 2011
PCT LEGAL ADMINISTRATION

In re Application of CHEW	:	
U.S. Application No.: 12/988,718	:	
PCT Application No.: PCT/MY2009/000054	:	DECISION
Int. Filing Date: 16 April 2009	:	
Priority Date Claimed: 24 April 2008	:	
Attorney Docket No.: PT/2514/MY005	:	
For: CEILING FAN CLEANER WITH ROTATABLE ROLLER CLEANER	:	

This is in response to applicant's petition filed 07 March 2011, which is being treated under 37 CFR 1.181.

BACKGROUND

On 16 April 2009, applicant filed international application PCT/MY2009/000054, which claimed priority of an earlier Malaysia application filed 24 April 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 29 October 2009. The thirty-month period for paying the basic national fee in the United States expired on 25 October 2010.

On 20 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).

On 09 November 2010, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and an official filing receipt.

On 07 March 2011, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the filing receipt be corrected to reflect the title shown in the accompanying application data sheet (ADS). However, the ADS filed the present petition is not

in compliance with 37 CFR 1.76(c)(2) in that it is not appropriately titled and does not identify the information being changed.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 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 1.181".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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P.O. BOX 190943
BOISE, ID 83719

MAILED
JUL 19 2011
PCT LEGAL ADMINISTRATION

In re Application of CHEW	:	
U.S. Application No.: 12/988,718	:	
PCT Application No.: PCT/MY2009/000054	:	DECISION
Int. Filing Date: 16 April 2009	:	
Priority Date Claimed: 24 April 2008	:	
Attorney Docket No.: PT/2514/MY005	:	
For: CEILING FAN CLEANER WITH ROTATABLE ROLLER CLEANER	:	

This is in response to applicant's renewed petition under 37 CFR 1.181 filed 31 May 2011.

BACKGROUND

On 16 April 2009, applicant filed international application PCT/MY2009/000054, which claimed priority of an earlier Malaysia application filed 24 April 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 29 October 2009. The thirty-month period for paying the basic national fee in the United States expired on 25 October 2010.

On 20 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).

On 09 November 2010, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and an official filing receipt.

On 07 March 2011, applicant filed a petition under 37 CFR 1.181.

On 03 May 2011, this Office mailed a decision dismissing the 07 March 2011 petition.

On 31 May 2011, applicant filed the instant renewed petition under 37 CFR 1.181.

DISCUSSION

The renewed petition requests that the filing receipt be corrected to reflect the title shown in the accompanying application data sheet (ADS). However, the supplemental ADS filed with the renewed petition is not in compliance with 37 CFR 1.76(c)(2) in that it is not appropriately titled and does not identify the information being changed.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.181 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 1.181".

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
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MAILED
SEP 28 2011
PCT LEGAL ADMINISTRATION

In re Application of CHEW	:	
U.S. Application No.: 12/988,718	:	
PCT Application No.: PCT/MY2009/000054	:	DECISION
Int. Filing Date: 16 April 2009	:	
Priority Date Claimed: 24 April 2008	:	
Attorney Docket No.: PT/2514/MY005	:	
For: CEILING FAN CLEANER WITH ROTATABLE ROLLER CLEANER	:	

This is in response to applicant's renewed petition under 37 CFR 1.181 filed 03 August 2011.

BACKGROUND

On 16 April 2009, applicant filed international application PCT/MY2009/000054, which claimed priority of an earlier Malaysia application filed 24 April 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 29 October 2009. The thirty-month period for paying the basic national fee in the United States expired on 25 October 2010.

On 20 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).

On 09 November 2010, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and an official filing receipt.

On 07 March 2011, applicant filed a petition under 37 CFR 1.181.

On 03 May 2011, this Office mailed a decision dismissing the 07 March 2011 petition.

On 31 May 2011, applicant filed a renewed petition under 37 CFR 1.181.

On 19 July 2011, this Office mailed a decision dismissing the 31 May 2011 petition.

On 03 August 2011, applicant filed the instant renewed petition under 37 CFR 1.181.

DISCUSSION

The renewed petition requests that the filing receipt be corrected to reflect the title shown in the accompanying supplemental application data sheet (ADS). However, the supplemental ADS filed with the renewed petition is not signed in accordance with 37 CFR 1.33(b). The submission of an ADS with a signed cover letter is not sufficient. Applicant may wish to refer to the most recent version of Form PTO/SB/14 (http://www.uspto.gov/forms/sb0014.pdf) which contains an appropriate signature block.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.181 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 1.181".

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
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MAILED
NOV 18 2011
PCT LEGAL ADMINISTRATION

In re Application of CHEW :
U.S. Application No.: 12/988,718 :
PCT Application No.: PCT/MY2009/000054 : DECISION
Int. Filing Date: 16 April 2009 :
Priority Date Claimed: 24 April 2008 :
Attorney Docket No.: PT/2514/MY005 :
For: CEILING FAN CLEANER WITH :
ROTATABLE ROLLER CLEANER

This is in response to applicant's renewed petition under 37 CFR 1.181 filed 11 October 2011.

BACKGROUND

On 16 April 2009, applicant filed international application PCT/MY2009/000054, which claimed priority of an earlier Malaysia application filed 24 April 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 29 October 2009. The thirty-month period for paying the basic national fee in the United States expired on 25 October 2010.

On 20 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).

On 09 November 2010, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and an official filing receipt.

On 07 March 2011, applicant filed a petition under 37 CFR 1.181.

On 03 May 2011, this Office mailed a decision dismissing the 07 March 2011 petition.

On 31 May 2011, applicant filed a renewed petition under 37 CFR 1.181.

On 19 July 2011, this Office mailed a decision dismissing the 31 May 2011 petition.

On 03 August 2011, applicant filed a renewed petition under 37 CFR 1.181.

On 28 September 2011, this Office mailed a decision dismissing the 03 August 2011 petition.

On 11 October 2011, applicant filed the instant renewed petition under 37 CFR 1.181.

DISCUSSION

The supplemental application data sheet filed on 11 October 2011 is in compliance with 37 CFR 1.76(c). The title of invention as corrected will appear on any patent that issues from the present application.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.181 is GRANTED.

The application is being returned to Technology Center AU 3727 for examination on the merits.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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DEC 21 2010

PCT LEGAL ADMINISTRATION

King & Spalding LLP
P.O. Box 889
Belmont CA 94002-0889

In re Application of :
GUSTAFSON, Douglas, C., et al. :
Application No.: 12/988,800 :
PCT No.: PCT/US2009/002351 :
Int. Filing Date: 14 April 2009 : DECISION
Priority Date: 14 April 2008 :
Att. Docket No.: 64524-8023.US01 :
For: IN SITU PROCESS ... MINERALS :
AND HYDROCARBONS :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 20 October 2010, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

MAILED
JUN 30 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
BAILLET, et al.	:	
U.S. Application No.: 12/988,827	:	DECISION ON PAPERS
PCT No.: PCT/FR2009/000483	:	
Int. Filing Date: 23 April 2009	:	UNDER 37 CFR 1.42
Priority Date: 24 April 2008	:	
Attorney's Docket No.: 4384-000163/US/NP	:	
For: NON-INVASIVE METHOD AND SYSTEM FOR	:	
DETECTING AND EVALUATING NEURAL	:	
ELECTROPHYSIOLOGICAL ACTIVITY	:	

This decision is in response to applicant's combined declaration and power of attorney filed 27 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. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 12 November 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, 24 October 2010.

On 21 October 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee.

On 02 November 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 27 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.: 12/988,827

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 Line Garnero and the legal representatives to the estate, Didier Berthoumieux. 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 23 April 2009 and will be given a date of **27 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

United States Patent and Trademark Office

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MAILED

MAR 28 2011

PCT LEGAL ADMINISTRATION

Ostrolenk Faber, LLP
1180 Avenue of the Americas
New York, NY 10036-8403

In re Application of :
Lechner et al. :
Application No.: 12/988,856 :
PCT No.: PCT/EP2009/052445 :
Int. Filing Date: 02 March 2009 : DECISION
Priority Date: 22 April 2008 :
Attorney Docket No.: P/5070-43 (V 17178) :
For: Roll For Supporting And Conveying Hot Material. :
Process For Producing The Roll, Process For... : :

This is with regard to correspondence filed on 08 February 2011.

BACKGROUND

This international application was filed on 02 March 2009, designated the United States, and claimed an earliest priority date of 22 April 2008. The International Bureau transmitted a copy of the published international application to the USPTO on 29 October 2009. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 22 October 2010. Applicants timely filed *inter alia* the basic national fee on 21 October 2010.

DISCUSSION

Counsel states that "Applicant was unable to electronically file VIA EFS WEB, the Applicants' Declaration because the Serial Number 12/988,856 that had been previously assigned to this Application was not recognized by the United States Patent and Trademark Office." Applicants request correction of the electronic records of the USPTO so as to correctly associate the instant application under 35 U.S.C. 371 with the correct international application. Applicants are advised that, in response to the instant communication, the electronic records of the USPTO have been corrected so as to permit proper processing of this application.

DECISION

The request is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for processing as the national stage under 35 U.S.C. 371 of PCT/EP2009/052445.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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DEC 2 0 2010

PCT LEGAL ADMINISTRATION

SHELL OIL COMPANY
P O BOX 2463
ONE SHELL PLAZA
HOUSTON TX 77252-2463

In re Application of MASTUSZ
Application No.: 12/988,903
PCT No.: PCT/US08/62867
Int. Filing Date: 07 May 2008
Priority Date: 09 May 2007
Attorney Docket No.: TH3225(US)
For: A PROCESS FOR THE PRODUCTION OF AN OLEFIN OXIDE...:

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 21 October 2010 in the above-captioned application is hereby **GRANTED** .

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the petition fee of $1620 has been paid and the basic national fee of $330 was provided. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the $130 surcharge for filing the declaration after the thirty month period, is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: 571-272-3286

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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

MAILED

AUG 24 2011

PCT LEGAL ADMINISTRATION

In re Application of
MAYO
Application No.: 12/988,923
PCT No.: PCT/GB09/50880
Int. Filing Date: 17 July 2009
Priority Date: 18 July 2008
Attorney's Docket No.: STRATA 3.3-005
For: A PHASED ARRAY ANTENNA AND A METHOD OF OPERATING A PHASED ARRAY ANTENNA

DECISION ON

PETITION

UNDER 37 CFR 1.181(b)

This decision is on applicant's 29 June 2011 "Petition to Accept Previously-Transmitted Correspondence" treated under 37 CFR 1.181(b) filed in the above referenced application in the United States Patent and Trademark Office (USPTO).. No petition fee is required.

On 21 October 2010, applicant filed a request for entry of PCT/GB09/50880 into the U.S. national stage under 35 U.S.C. 371 along with, *inter alia*, the basic national fee.

On 05 November 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) was required. The Notification set a two month time period within which to reply with extensions of time available under 37 CFR 1.136(a). On 05 January 2011, within the two month time period, applicant filed a response to the Notification.

However, thereafter, applicant became aware that the "Office had no evidence of receipt of the correspondence filed on 05 January 2011", that is, that the declaration was not viewable on PAIR. Applicant submitted the instant petition to request that a copy of his response to the Notification of Missing Requirements filed on 05 January 2011 be accepted in lieu of the original filing. However, a review of USPTO electronic records (EFS SupportWeb) reveals that the USPTO did receive applicant's response including the executed declaration filed on 05 January 2011. That response is now located in the electronic application file for 12/988,923. Therefore, applicant's request under 37 CFR 1.181(b) is dismissed as moot.

A review of the declaration originally filed on 05 January 2011 reveals that it is executed by the inventor, is acceptable and is in compliance with 37 CFR 1.497(a) and (b).

The petition under 37 CFR 1.181(b) is **DISMISSED AS MOOT**. The declaration filed on 05 January 2011 is in compliance with 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 05 January 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286

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JAN 03 2011

PCT LEGAL ADMINISTRATION

Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

In re Application of :
Wu et al. :
Application No.: 12/988,961 :
PCT No.: PCT/US2008/005169 :
Int. Filing Date: 22 April 2008 : DECISION
Priority Date: 07 May 2008 :
Attorney Docket No.: PU080044 :
For: Method And Apparatus For Multicast Tree :
Management In Multi-Hop Relay Communication....:

This is in response to the correspondence filed on 21 October 2010.

BACKGROUND

International application PCT/US2008/005169 was filed on 22 April 2008, claimed no earlier priority date, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 22 October 2010. Applicants timely paid the basic national fee in 12/988,961.

DISCUSSION

Review of the records of the USPTO reveals that, represented by same counsel, applicants filed two sets of correspondence directed toward the national stage under 35 U.S.C. 371 of the instant international application via EFS-Web. Both sets of correspondence were filed on 21 October 2010. The other set of correspondence was assigned to application no. 12/988,926. On 08 November 2010, a Notice of Acceptance (Form PCT/DO/EO/903) and a Filing Receipt were mailed in 12/988,961.

Any particular international application culminates in a single national stage application in the United States; multiple national stage entries under 35 U.S.C. 371 are not permitted. Applicants have not advanced any request or adequate reason for any particular treatment of the applications, other than the instructions inherent in their filing. Under the totality of the circumstances presented, it would be appropriate for processing of application no. 12/988,961 as the national stage of PCT/US2008/005169 to continue. Processing of the duplicate application, 12/988,926, will cease. All further correspondence should be directed toward 12/988,961.

DECISION

The application papers are **ACCEPTED** under 35 U.S.C. 371, as described above.

No response is required. Any request for reconsideration must be filed within **TWO (2) MONTHS** of the mailing date of this Decision. Extensions of time under 37 CFR 1.136(a) are available.

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 returned to Technology Center 2469.

/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.
12/988,970	10/21/2010	Hikokazu Akimoto	12699/155	5886

23838 7590 01/13/2011
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER
3748	

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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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of	:	
AKIMOTO, HIKOKAZU	:	DECISION ON REQUEST TO
Application No. 12/988,970	:	PARTICIPATE IN PATENT
Filed: Oct. 21, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 12699/155	:	PROGRAM AND PETITION
For: INTERNAL COMBUSTION ENGINE SYSTEM, CONTROL METHOD THEREOF, AND VEHICLE	:	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. 21, 2010, to make the above-identified application special.

The request and petition are dismissed.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; 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.

The request to participate in the PPH program and petition met all conditions except Items #2, #5 and #6 above.

In the petition, a copy of Japanese language of allowed claims 1-5 with English translation is received. The request to participate in the PPH pilot program and petition fail to include a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER); a copy of the latest international work product from the PCT application showing claims 1-5 are allowable. 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.

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 the Patent Application Information Retrieval (PAIR) system.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **dismissed.**

/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.
12/988,970	10/21/2010	Hikokazu Akimoto	12699/155	5886

23838 7590 01/24/2011
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
01/24/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of:
AKIMOTO, HIKOKAZU
Serial No.: 12/988,970
Filed: Oct. 21, 2010
Docket: 12699/155
Title: INTERNAL COMBUSTION ENGINE SYSTEM, CONTROL METHOD THEREOF, AND VEHICLE

::
::
:
::

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

Upon reconsideration, 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. 21, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more 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 Thomas Denion, SPE of Art Unit 3748, and 571-272-4859 for Class 60/285 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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www.uspto.gov

HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET
SUITE 100
BUFFALO NY 14202-4040

MAILED

NOV 05 2010

PCT LEGAL ADMINISTRATION

In re Application of
KRAUSS et al.
Application No.: 12/988,992
PCT No.: PCT/US2009/038092
Int. Filing Date: 24 March 2009
Priority Date: 24 March 2008
Attorney Docket No.: 055652.00new
For: MAGIC SIZE NANOCLUSTERS AND METHODS OF PREPARING SAME

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 21 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 reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/989,037	01/07/2011	Hiroyuki Ishii	17470/093001	6266

22511 7590 08/01/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
08/01/2011	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):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.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
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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: ISHII et al.
Application No. 12989037
Filed: January 7, 2011
For: MOBILE COMMUNICATION METHOD, MOBILE STATION, AND RADIO BASE STATION

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 16, 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PCT LEGAL ADMINISTRATION

CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE FL 33301

In re Application of:
VRZIC, Sophie, et al.
U.S. Application No.: 12/989,044
PCT Application No.: PCT/CA2009/000523
International Filing Date: 21 April 2009
Priority Date: 21 April 2008
Att.Dkt No.: 22493-137PUS (19445ROUS08N)
For: METHOD AND SYSTEM FOR PROVIDING AN UPLINK STRUCTURE ...

DECISION ON PETITION
(37 CFR 1.137(b))

This decision is issued in response to the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" (Form PTO/SB/64/PCT) filed 09 February 2011. Applicants have paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed on 25 January 2011. The communication stated that: (1) based on the information provided by applicants at the time of filing, the application was being treated as the U.S. national stage of PCT/US2009/000523; (2) PCT/US2009/000523 and PCT/CA2009/000523 were both abandoned with respect to the United States; (3) in order for the application to be treated as the national stage of PCT/CA2009/000523, a petition for revival accompanied by a statement clearly identifying correct international application number and explaining the error in the original application papers were required.

On 09 February 2011, applicants filed the petition for revival of international application PCT/CA2009/000523 considered herein, with accompanying materials.

DISCUSSION

The present petition was accompanied by the petition fee and the "required reply" in the form of a corrected Form PTO-1390 Transmittal Letter listing the correct international application number, PCT/CA2009/000523 and a statement confirming the correct international application number and that the error in the original national stage papers was the result of an inadvertent typographical error. In addition, the petition includes a statement that "the entire

delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. The request to revive international application PCT/CA2009/000523, and to have the present application treated as the national stage of such international application, is therefore appropriately granted.

It is noted that the petition for revival was accompanied by an executed declaration directed to PCT/CA2009/000523; however, the declaration appears to be a compilation of multiple documents and is therefore unacceptable as submitted. As set forth in MPEP section 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." The compilation here is evident from the fact that the six-page declaration document submitted contains two copies each of sheet numbers 1, 2, and 3, each signed by a different applicant named thereon.

CONCLUSION

The petition for revival of international application PCT/CA2009/000523 under 37 CFR 1.137(b) is **GRANTED**.

Pursuant to the statements submitted with the petition for revival, the present application will be treated as the U.S. national stage of PCT/CA2009/000523.

The application is being referred to the National Stage Processing Branch of the Office of PCT Legal Administration for further processing in accordance with this decision, including the mailing of 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.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2632.004WO1	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/US09/02537	International filing date *(day/month/year)* 24 April 2009 (24.04.2009)	Priority date *(day/month/year)* 01 May 2008 (01.05.2008)
International Patent Classification (IPC) or national classification and IPC IPC: A61M 39/00(2006.01) USPC: 606/195		
Applicant CONNOR, ROBERT		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☑ *(sent to the applicant and to the International Bureau)* a total of 1 sheets, as follows:
      - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

Date of submission of the demand 01 March 2010 (01.03.2010)	Date of completion of this report 13 January 2011 (13.01.2011)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No.	Authorized officer Kevin T. Truong Telephone No. 571-272-3700

RECEIVED
11:21 am, Mar 08, 2011
CPA GLOBAL

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US09/02537

Box No. I Basis of the report

1. With regard to the language, this report is based on:
   - [x] the international application in the language in which it was filed.
   - [ ] a translation of the international application into English, which is the language of a translation furnished for the purposes of:
     - [ ] international search (under Rules 12.3(a) and 23.1(b))
     - [ ] publication of the international application (under Rule 12.4(a))
     - [ ] international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
   - [x] the international application as originally filed/furnished
   - [x] the description:
     pages 1-24 as originally filed/furnished
     pages* NONE received by this Authority on
     pages* NONE received by this Authority on
   - [x] the claims:
     pages 25-30 as originally filed/furnished
     pages* NONE as amended (together with any statement) under Article 19
     pages* NONE received by this Authority on
     pages* NONE received by this Authority on
   - [x] the drawings:
     pages 1/4-4/4 as originally filed/furnished
     pages* NONE received by this Authority on
     pages* NONE received by this Authority on
   - [ ] a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. [ ] The amendments have resulted in the cancellation of:
   - [ ] the description, pages
   - [ ] the claims, Nos.
   - [ ] the drawings, sheets/figs
   - [ ] the sequence listing (*specify*):
   - [ ] any table(s) related to the sequence listing (*specify*):

4. [ ] This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
   - [ ] the description, pages
   - [ ] the claims, Nos.
   - [ ] the drawings, sheets/figs
   - [ ] the sequence listing (*specify*):
   - [ ] any table(s) related to the sequence listing (*specify*):

5. [ ] This report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US09/02537

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-32	YES
	Claims	NONE	NO
Inventive Step (IS)	Claims	1-32	YES
	Claims	NONE	NO
Industrial Applicability (IA)	Claims	1-32	YES
	Claims	NONE	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-32 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest using a net or mesh to contain accumulating individual, non-liquid fill members while allowing the liquid flow that conveyed them to escape.

Claims 1-32 meet the criteria set out in PCT Article 33(4), and thus industrial applicability because the subject matter claimed can be made or used in industry.

---------- NEW CITATIONS ----------

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US09/02537

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

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:	12/989,048	Filing date:	October 21, 2010
First Named Inventor:	Robert Connor		
Title of the Invention:	ANEURYSM OCCLUSION 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/US2009/002537

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)**

- [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.:	12/989,048
First Named Inventor:	Robert Connor

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 21, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on October 21, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-32	1-32	Claims in US application are identical to PCT claims

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date March 16, 2011
Name (Print/Typed) Suneel Arora	Registration Number 42,267

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.
12/989,048	10/21/2010	Robert A. Connor	2632.004US1	6443

21186 7590 03/21/2011
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

ART UNIT	PAPER NUMBER
3734	

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):

uspto@slwip.com
request@slwip.com

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of	:	
CONNOR, ROBERT A. et al	:	DECISION ON REQUEST TO
Application No. 12/989,048	:	PARTICIPATE IN PATENT
Filed: Oct. 21, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 2632/004US1	:	PROGRAM AND PETITION
For: ANEURYSM OCCLUSION 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 March 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 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 Gary Jackson, the SPE of Art Unit 3734, and (571)272-4697 for Class 606/200 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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United States Patent and Trademark Office
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JAN 07 2011

PCT LEGAL ADMINISTRATION

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of	:	
BOSINGER, Christopher Hugh, et al.	:	
Application No.: 12/989,050	:	
PCT No.: PCT/EP2009/002741	:	NOTIFICATION
Int. Filing Date: 15 April 2009	:	
Priority Date: 22 April 2008	:	
Attorney Docket No.: 514413-4001	:	
For: 2-(BENZYLSULFONYL)OXAZOLE ...	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 21 October 2010, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The papers identified the filing as a national phase entry of both PCT/EP2009/002741 and PCT/EP2006/002741.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
9P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of	:	
BOSINGER, Christopher Hugh, et al.	:	
Application No.: 12/989,050	:	
PCT No.: PCT/EP2009/002741	:	DECISION
Int. Filing Date: 15 April 2009	:	
Priority Date: 22 April 2008	:	
Attorney Docket No.: 514413-4001	:	
For: 2-(BENZYLSULFONYL)OXAZOLE ...	:	

This decision is in response to applicant's petition under 37 CFR 1.182 and petition for refund, filed in the United States Patent and Trademark Office on 17 January 2011.

BACKGROUND

On 21 October 2010, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The papers identified the filing as a national phase entry of both PCT/EP2009/002741 and PCT/EP2006/002741.

On 07 January 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 17 January 2011, applicant filed this petition under 37 CFR 1.182 and for refund.

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/EP2009/002741. 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/EP2009/002741.

Applicants request a refund and an explanation of why the Office did not mail a "Notice to File Corrected Application Papers." That Notice is not part of national phase processing. It is the obligation of applicant to identify the international application so that the national phase filing can be processed and so that papers from the International Bureau may be matched with the application. Failure to clearly identity the international application places an additional burden on the Office and slows the processing of the application. In this case, the inconsistency required referral of the application for review in the Office of PCT Legal Administration. Further, the expiry of the 30 month date does not mean an.application cannot be the subject of a

national phase filing.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.182 is **GRANTED**. The petition for refund is **DISMISSED** without prejudice.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being returned to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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26822
Walter A. Hackler
2372 S.E. Bristol, Suite B
Newport Beach, CA 92660-0755

MAILED

APR 25 2011

PCT LEGAL ADMINISTRATION

In re Application of
CHENG *et al*
Application No.: 12/989,055
PCT No.: PCT/EP2009/002900
Int. Filing Date: 21 April 2009
Priority Date: 23 April 2008
Attorney Docket No.: 4105
For: PRESSURE MEASURING GLOW PLUG

DECISION

This is a decision on the papers filed 10 February 2011 and 16 February 2011.

BACKGROUND

On 05 November 2010, the 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. Applicants were given two months to respond with extensions of time available.

On 10 February 2011, applicant filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a $200.00 petition fee; a $130.00 surcharge fee; a two-month extension fee of $490.00; an affidavit of Dr. Mommer; a declaration executed by one of the two named inventors; and documentary evidence in support of the petition.

On 16 February 2011, applicants filed a supplemental response which included a declaration executed by the nonsigning inventor.

DISCUSSION

In the papers filed 10 February 2011, applicants filed a petition under 37 CFR 1.47(a) for Yue CHENG, as a response to the Form PCT/DO/EO/905 mailed 05 November 2010. The $200.00 petition fee was provided.

On 16 February 2011, applicants submitted a declaration signed by the nonsigning inventor, Mr. CHENG. The declaration provided complies with 37 CFR 1.497(a) and (b).

No further action on the original petition under 37 CFR 1.47(a) is required.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 21 April 2009, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 16 February 2011.

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

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.
12/989,063	01/05/2011	Wuri Andarmawanti Hapsari	17470/091001	6553

22511 7590 04/29/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

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):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com

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P.O. Box 1450
Alexandria, VA 22313-1450
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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
HAPSARI, WURI ANDARMAWANTI et al	:	DECISION ON REQUEST TO
Application No. 12/989,063	:	PARTICIPATE IN PATENT
Filed: January 05, 2011	:	PROSECUTION HIGHWAY
Attorney Docket No. 17470/091001	:	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 21, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

APR 13 2011

PCT LEGAL ADMINISTRATION

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

In re Application of: BRICK, Peter, et al.
U.S. Application No.: 12/989,094
PCT Application No.: PCT/DE2009/000881
International Filing Date: 25 June 2009
Priority Date: 30 June 2008
Attorney's Docket No.: EHF-10-1398
For: SURFACE EMITTING SEMICONDUCTOR LASER HAVING A PLURALITY OF ACTIVE ZONES

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to the "PETITION UNDER 37 CFR 1.182 TO CORRECT THE APPLICATION" filed on 15 February 2011. Applicants have paid the required petition fee.

BACKGROUND

On 16 December 2010, this Office mailed a communication indicating that a petition under 37 CFR 1.182 was required to clarify the record as to the correct international application number for the present national stage application. The communication noted that the original application submission on 22 October 2010 referenced two different international applications. Specifically, the information provided during the electronic filing process, as well as the filed ADS and Transmittal Letter, identified the application as the U.S. national stage of international application number PCT/**EP**2009/000881; however, the substitute specification identified the application as the U.S. national stage of PCT/**DE**2009/000881.

On 15 February 2011, applicant filed the petition under 37 CFR 1.182 considered herein.

DISCUSSION

The petition confirms that the correct international application number for the present national stage application is PCT/**DE**2009/000881 and that the entry of the incorrect international application number during the electronic filing process and on the filed documents was the result of an inadvertent error. The petition also notes that the correct international application number was listed in the materials filed 22 October 2010, specifically, on the substitute specification. The petition also includes payment of the required petition fee.

The present submission satisfies the requirements for a grantable petition under 37 CFR 1.182 to correct the inconsistency in the international application numbers provided in the materials filed herein on 22 October 2010. Accordingly, the application materials filed herein on 22 October 2010 will be treated as the U.S national stage of PCT/**DE**2009/000881. Such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of PCT/**DE**2009/000881, thereby avoiding abandonment of the international application with respect to the United States.

CONCLUSION

The petition under 37 CFR 1.182 filed 15 February 2011 is **GRANTED**.

The present application will be treated as the U.S. national stage under 35 U.S.C. 371 of PCT/**DE**2009/000881.

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.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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.
12/989,115	01/20/2011	Mikio Iwamura	17470/092001	7067

22511 7590 08/12/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
MAUNG, NAY AUNG

ART UNIT	PAPER NUMBER
2618	

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):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	**: DECISION ON REQUEST TO**
IWAMURA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/989,115	**: PROSECUTION HIGHWAY**
Filed: 20 January 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: 17470/092001	**: TO MAKE SPECIAL UNDER**
For: MOBILE COMMUNICATION	**: 37 CFR 1.102(a)**
METHOD AND MOBILE STATION	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 22 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
OCT 27 2011
PCT LEGAL ADMINISTRATION

Wenderoth, Lind & Ponack, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, D.C. 20005-1503

In re Application of:
TAZAWA et al.
U.S. Application No.: 12/989,152
PCT No.: PCT/JP2009/058105
Int. Filing Date: 23 April 2009
Priority Date: 24 April 2008
Attorney Docket No.: 2010_1501A
For: DEVICE, KIT AND METHOD FOR DETECTION OF CHOLINESTERASE-INHIBITING SUBSTANCE

REQUEST FOR REFUND

This decision is issued in response to applicant's "Request for Refund Reversal" filed in the United States Patent and Trademark Office (USPTO) on 15 August 2011.

The request is GRANTED.

Applicant has requested the United States Patent and Trademark Office to charge the amount of $104 to the deposit account no. 23-0975. Applicant states in the present petition that on October 22, 2010, applicant paid for 27 total claims (7 extra) with the original application. On 10 February 2011, a refund of the extra total claims fees in the amount of $364 was issued to applicant's Deposit Account due to the miscalculation of the total extra claims fees. A review of the finance record reveals that applicant's assertion is correct and the refund of $364 was issued in error. Accordingly, applicant's request has been granted.

It is noted that counsel's deposit account was charged $260 on 03 June 2011. The additional $104 was charged to applicant's Deposit Account with the present request.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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GEORGE A LEONE, SR
CITADEL PATENT LAW
9124 Gravelly Lake Drive SW
SUITE 102
Lakewood WA 98499

MAILED
SEP 27 2011
PCT LEGAL ADMINISTRATION

In re Application of: Johnston et al.	:	
U.S. Application No: 12 /989,156	:	
PCT Application No.: PCT/US2009/041570	:	
International Filing Date: 23 April 2009	:	DECISION ON PETITION
Priority Date: 23 April 2008	:	UNDER
Attorney's Docket No.: 60229US	:	37 CFR 1.137(b)
For: SYNTHETIC ANTIBODIES	:	

This decision is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed 29 August 2011.

BACKGROUND

On 23 April 2009, applicants filed international application PCT/US2009/041570, which claimed priority of earlier US provisional applications filed 23 April 2008 and 24 March 2009. The thirty-month period for paying the basic national fee in the United States expired on 23 October 2010.

On 22 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).

On 10 November 2010, the DO/EO/US mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/905), which indicated that additional fees, an oath or declaration in compliance with 37 CFR 1.497(a) and (b), and a proper "Sequence Listing" under 37 CFR 1.821-825, must be filed.

On 10 February 2011, applicant filed an executed declaration, a sequence listing in PDF format, and a request to use the computer readable copy of the sequence listing from the international application.

On 17 August 2011, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 29 August 2011, applicant filed the present petition under 37 CFR 1.137(b) and a letter requesting withdrawal of the holding of abandonment, which is being treated as a petition under 37 CFR 1.181.

DISCUSSION

37 CFR 1.821(e) states,

> If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference may be made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application if the computer readable form in the other application was compliant with all of the requirements of this subpart. The new application must be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified. In the new application, applicant must also request the use of the compliant computer readable "Sequence Listing" that is already on file for the other application and must state that the paper or compact disc copy of the "Sequence Listing" in the new application is identical to the computer readable copy filed for the other application.

A Review of the paper filed 10 February 2011 reveals that applicant's request to use the computer readable form that was submitted in international application number PCT/US2009/041570 is in compliance with 37 CFR 1.821(e). Accordingly the Notification of Abandonment was sent in error. The submitted fee for applicant's petition under 37 CFR 1.137(b) will be refunded in due course.

CONCLUSION

For the reason above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/RO/EO/909) is hereby **VACATED**.

The application has an International Filing Date under 35 U.S.C. 363 of 23 April 2009, and a date under 35 USC 371(c)(1), (c)(2), and (c)(4) of 10 February 2011.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Seungsook Ham
Office of PCT Legal Administration
United States Patent and Trademark Office
Telephone: (571) 272-6095
Facsimile: (571) 273-0459

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

MAILED
FEB 10 2012
OFFICE OF PETITIONS

Applicants: Erwann Loret
Appl. No.: 12/989,165
International Filing Date: April 22, 2009
Title: TAT PROTEIN FOR PREVENTING OR TREATING AIDS
Attorney Docket: 55614-002US1
Pub. No.: US20110212118 A1
Pub. Date: September 1, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 1, 2011, for the above-identified application.

The request is **granted**.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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MAILED

JAN 06 2011

PCT LEGAL ADMINISTRATION

ExxonMobil Upstream Research Company
P.O. Box 2189
(CORP-URC-SW 359)
Houston TX 77252-2189

In re Application of	:	
BANGARU (Deceased)	:	DECISION ON
Application No.: 12/989,183	:	
PCT No.: PCT/US09/45497	:	REQUEST
Int. Filing Date: 28 May 2009	:	
Priority Date: 17 June 2008	:	UNDER 37 CFR 1.42
Attorney Docket no.: 2008EM154	:	
For: METHODS AND SYSTEMS FOR	:	
MITIGATING DRILLING VIBRATIONS	:	

This is a decision on applicant's request under 37 CFR 1.42 along with an executed declaration filed in the United States Patent and Trademark Office (USPTO) on 22 October 2010.

BACKGROUND

On 22 October 2010, applicant filed a request for entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee along with the declaration executed under PCT Rule 4.17 by the legal representative of the deceased inventor and by the joint inventors.

DISCUSSION

To meet the requirements for compliance with 37 CFR 1.497(a) and (b), the declaration must state the relationship and the country of citizenship for all inventors, including the deceased inventor and his legal representative. In addition, the declaration must provide the residency and mailing address for all inventors, including the deceased inventor and the legal representative.

The declaration submitted on 22 October 2010 identifies Swarupa Soma as the executor (legal representative) of the deceased inventor Narasimha-Rao V. Bangaru and states the relationship, country of citizenship, residency and mailing address for the legal representative. The declaration meets the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED.**

The declaration by the legal representative for deceased inventor submitted on 22 October 2010 is accepted as a proper declaration under 37 CFR 1.497(a) and (b). The Notification of Acceptance mailed on 21 December 2010 remains in effect.

/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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JUN 20 2011

PCT LEGAL ADMINISTRATION

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of	:	
POLLE, Juergen	:	
Application No.: 12/989,189	:	DECISION
Attorney's Docket No.: 1038-45 PCT/US	:	
PCT No.: PCT/US2009/41687	:	
Int. Filing Date: 24 April 2009	:	
Priority Date: 24 April 2008	:	
For: REGULATING THE PRODUCTION OF	:	
ISOPRENOIDS IN ALGAL CELLS	:	

This decision is in response to applicants' petition under 37 CFR 1.182 filed 05 May 2011.

BACKGROUND

On 22 October 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) and an Application Data Sheet (ADS). The international application number keyed into EFS-Web was PCT/US09/41689. However, the international application number appearing in the Transmittal Letter and the ADS is PCT/US2009/41687.

On 22 March 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 05 May 2011, applicants submitted the instant petition under 37 CFR 1.182.

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/US2009/041687**.

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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ANGLEHART ET AL.
SUITE 258
393 AT-JACQUES
MONTREAL QC H2Y IN9 CA CANADA

MAILED
SEP 23 2011
OFFICE OF PETITIONS

Applicant: Charette, et al.
Appl. No.: 12/989,202
International Filing Date: April 23, 2009
Title: INTEGRATED SHEAR-VERTICAL SURFACE ACOUSTIC WAVE AND SURFACE PLASMON RESONANCE SENSING DEVICE AND METHOD
Attorney Docket No.: P1258US00
pub. No.: US 2011/0032528 A1
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 February 24, 2011, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein four of the inventors' names and the name of the assignee have been omitted.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The errors on the front page of the publication wherein four of the inventor's name and the assignee's name was omitted may be Office errors, but they are not material Office errors under 37 CFR 1.221(b). The omission of an inventor's name and/or assignees name does not affect the understanding of the application. The error in the inventors name and the assignment information is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130. Applicant should not file requests for corrected publication when a publication includes errors in the assignee's name or assignment information. See MPEP 1130.

On November 4, 2010, a Filing Receipt was mailed by the Office, which listed only one of the inventors name and did not list the assignee's name. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to use and submit an **eADS** (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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.
12/989,232	10/22/2010	Tomohiro Ono	J-10-0494	7673

71799 7590 07/01/2011
Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER

ART UNIT	PAPER NUMBER
2472	

NOTIFICATION DATE	DELIVERY MODE
07/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jackson.chen@necam.com
KENSAKU.SATO@NECAM.COM

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Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING TX 75039

In re Application of: TOMOHIRO ONO
Application No. 12989232
Filed: October 22, 2010
For: RADIO COMMUNICATION SYSTEM, BASE STATION, INTER-BASE STATION SYNCHRONIZATION METHOD, AND PROGRAM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 09, 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 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).

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.

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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53609
REINHART BOERNER VAN DEUREN P.C.
2215 Perrygreen Way
Rockford, IL 61107

MAILED

JUL 11 2011

PCT LEGAL ADMINISTRATION

In re Application of
DAELMANS *et al*
U.S. Application No.: 12/989,235
PCT No.: PCT/EP2007/009590
Int. Filing Date: 10 February 2009
Priority Date: 25 April 2008
Attorney Docket No.: 508069
For: METHOD FOR THE PRODUCTION OF THIN POLYMER FILM

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 05 May 2011.

BACKGROUND

On 08 November 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 $130.00 surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 05 May 2011, applicants filed the subject petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a four-month extension and $1,730.00 extension fee; a declaration signed on behalf of the nonsigning inventor; a $130.00 surcharge fee; the $200.00 petition fee; two statements of facts; and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that the lack of a response to their repeated inquiries by co-inventor, Eddy DAELMANS, constitutes a refusal to cooperate and have filed the subject petition under 37 CFR 1.47.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied in the initial petition.[1]

Regarding item (2) of 37 CFR 1.47(a), applicants provided a statement of facts by European counsel indicating that they sent a copy of an assignment and a declaration to the nonsigning inventor on 22 February 2011. These papers were signed for by Mr. DAELMANS on 02 March 2011. No response from Mr. DAELMANS was received. A second statement of facts by Jeremy R. Bridge indicates that a complete copy of the subject application and declaration were delivered to the last known address of Mr. DAELMANS on 05 April 2011. A copy of the FedEx tracking results were provided.

A review of the evidence shows that a copy of the subject application was provided to and received by the nonsigning inventor. The failure to respond constitutes a refusal to cooperate as contemplated by MPEP § 409.03(d)(II). This is sufficient to satisfy item (2) of 37 CFR 1.47(a).

All requirements of 37 CFR 1.47(a) are satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is hereby **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 10 February 2009, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 05 May 2011.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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[1] The $200.00 petition fee was paid. The address of the nonsigning inventor is listed in the petition. The declaration signed by two of the three named inventors on behalf of the nonsigning inventor is in compliance with 37 CFR 1.497(a) and (b), and meets the requirements of MPEP § 409.03(a)(A).

Tel.: (571) 272-3302

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Eddy Daelmans
Sintjanssweg 7
DilsenStokkem, 3650
Belgium

MAILED

JUL 11 2011

PCT LEGAL ADMINISTRATION

In re Application of
DAELMANS *et al*
U.S. Application No.: 12/989,235
PCT No.: PCT/EP2007/009590
Int. Filing Date: 10 February 2009
Priority Date: 25 April 2008
Attorney Docket No.: 508069
For: METHOD FOR THE PRODUCTION OF THIN POLYMER FILM

Dear Mr. Daelmans:

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

REINHART BOERNER VAN DEUREN P.C.
2215 Perrygreen Way
Rockford, IL 61107

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AUG 09 2011

PCT LEGAL ADMINISTRATION

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of SANTILLAN et al. :
Application No.: 12/989,253 : DECISION ON PETITION
PCT Appl No.: PCT/US09/02495 :
Int'l Filing Date: 22 April 2009 : UNDER 37 CFR 1.47(a)
Priority Date: 23 April 2008 :
Attorney Docket No.: 83567 (71699) :
For: CONTOURED ELASTOMERIC BARRIER:
FOR BOWEL RETENTION AND METHOD OF USE

This is a decision on applicant's petition under 37 CFR 1.47(a) to accept the application without the signatures of joint inventors Joshua Liu, Anshuman Gupta, Michael Bisogno, Kevin Yeh and Viki Zhou, filed in the United States Patent and Trademark Office (USPTO) on 03 June 2011.

BACKGROUND

On 22 October 2010, applicant filed a transmittal letter requesting U.S. national stage entry of international application PCT/US09/02495.

On 03 November 2010, a Notification to Missing Requirements was mailed to applicant indicating, *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), was required.

On 03 June 2011, applicant filed the instant petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventors. 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 inventors Joshua Liu, Anshuman Gupta, Michael Bisogno, Kevin Yeh and Viki Zhou alleging that the inventors have not responded to a request to sign the application papers.

DISCUSSION

Petition under 37 CFR 1.47(a)

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the

application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Petitioner satisfied Item (1) with the payment of the petition fee. Item (3) is satisfied because the last known address for each of the five non-signing inventors was provided.

With respect to Item (2) above, Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal[1], states, in pertinent part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. *A copy of the application papers should be sent to the last known address of the nonsigning inventor*, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... *It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> *Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.* When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's

---

[1] MPEP Section 409.03(d) also provides guidance where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47. A statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having first-hand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

reasons for refusal.

> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

Here, Petitioner, through the first hand statement of attorney of record Peter F. Corless, states:

> Since the filing of the subject application, Declaration forms have been sent to all the named inventors of the application. All the inventors except the above-named persons have provided signed declaration forms to the undersigned attorney...the undersigned attorney has attempted to locate and obtain a signed Declaration from the above named persons, but has been unsuccessful in obtaining a signed Declaration form from those persons as of today. The undersigned is hopeful that the above-named persons can be located and a signed Declaration obtained.

Petitioner has not presented any evidence that *a complete copy of the application papers, that is, specification, including claims and drawings, and an oath or declaration*, were presented to each nonsigning inventor for his signature at his last known address. Petitioner must present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for his/her signature at their last known address. Proof of the delivery must accompany any renewed petition along with a first hand statement of facts. 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.

As set forth above, Petitioner did not provide a first hand statement of facts under 37 CFR 1.47(a) which indicated that a complete copy of the application papers were sent to the nonsigning inventor and to describe the inventor's refusal. Therefore, it cannot be concluded at this time that the nonsigning inventor refuses or is unavailable to sign the application. Petitioner has not satisfied Item (2).

Item (4) is not satisfied with the submission of the declaration as the declaration is not executed in compliance with 37 CFR 1.497(a) and (b). The first-named inventor in the international application was identified as Antonio Santillan. However, the first named inventor on the declaration has been altered to identify the inventor as Antonio Santillan-Gomez. *See*

MPEP §1893.01(e) Correction of Inventorship.[2]

Items (2) and (4) above have not been satisfied. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M .Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile (571) 272-0459

---

[2] See also MPEP §605.04(c) Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in a declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 is necessary to accept the declaration with the changed name. 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.

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OCT 12 2011

PCT LEGAL ADMINISTRATION

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of SANTILLAN et al.
Application No.: 12/989,253
PCT Appl No.: PCT/US09/02495
Int'l Filing Date: 22 April 2009
Priority Date: 23 April 2008
Attorney Docket No.: 83567 (71699)
For: CONTOURED ELASTOMERIC BARRIER FOR BOWEL RETENTION AND METHOD OF USE

: DECISION ON PETITION
: UNDER 37 CFR 1.47(a)

This is a decision on applicant's submission, treated as a renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 10 August 2011. Applicant also submitted declarations executed by joint inventors Joshua Liu, Anshuman Gupta, Michael Bisogno, Kevin Yeh and Viki Zhou.

BACKGROUND

On 22 October 2010, applicant filed a transmittal letter requesting U.S. national stage entry of international application PCT/US09/02495.

On 03 November 2010, a Notification to Missing Requirements was mailed to applicant indicating, *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), was required.

On 03 June 2011, applicant filed a petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventors. 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 inventors Joshua Liu, Anshuman Gupta, Michael Bisogno, Kevin Yeh and Viki Zhou alleged that the inventors have not responded to a request to sign the application papers. On 09 August 2011, a decision dismissing the petition was mailed.

DISCUSSION

Petitioner has now presented the declarations signed by joint inventors Joshua Liu, Anshuman Gupta, Michael Bisogno, Kevin Yeh and Viki Zhou. 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 inventors. The declaration also states the residency,

citizenship and mailing address of each inventor. The declaration executed by joint inventors Joshua Liu, Anshuman Gupta, Michael Bisogno, Kevin Yeh and Viki Zhou 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 declarations, executed by the previously non-signing inventors, submitted 10 August 2011, are in compliance with 37 CFR 1.497(a) and (b) and are 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 10 August 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

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:	12/989,275	Filing date:	2010-10-22
First Named Inventor:	Hiroshi UYAMA		
Title of the Invention:	ROUTE GUIDANCE SYSTEM, ROUTE SEARCH SERVER, ROUTE GUIDANCE METHOD, AND TERMII		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2008/058182
WO/2009/133596

The international date of the corresponding PCT application(s) is/are: 2008-04-28

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:	

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 10/22/2010 and 03/09/2011

(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 10/22/2010 and 03/09/2011

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
16	16	Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 2011-05-16
Name (Print/Typed) Ken-Ichi Hattori	Registration Number 32,861

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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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/989,275	10/22/2010	Hiroshi Uyama	101296	7902

38834 7590 06/27/2011
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER
NOLAN, PETER D

ART UNIT	PAPER NUMBER
3661	

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):

patentmail@whda.com

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JUN 2 4 2011

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

In re application of Uyama et al. Application No. 12/989,275 Filed: October 22, 2010 For: ROUTE GUIDANCE SYSTEM, ROUTE SEARCH SERVER, ROUTE GUIDANCE METHOD, AND TERMINAL	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 16, 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 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: 06/24/11

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PCT LEGAL ADMINISTRATION

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

In re Application of Enrietti Application No.: 12/989,276 PCT No.: PCT/IT2009/000182 Int. Filing Date: 23 April 2009 Priority Date: 24 April 2008 Attorney Docket No.: 007231.00003 For: System For The Injection Moulding Of Plastic Material, Particularly Suitable For Being Assoc...	:	DECISION

This is in response to the declaration of the inventors filed on 22 October 2010, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 23 April 2009, claimed an earliest priority date of 24 April 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 29 October 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 25 October 2010 (since 24 October 2010 was a Sunday). Applicant filed *inter alia* the basic national fee on 22 October 2010.

DISCUSSION

Review of the declaration filed on 22 October 2010 reveals that it indicates that inventor Piero Enrietti is deceased. 37 CFR 1.42 provides in part that

> 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.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the 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 the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

Examination of the declaration filed on 22 October 2010 reveals that it has been signed on behalf of the deceased inventor by Roberto Enrietti in the capacity of "heir & legal

representative." The declaration provides citizenship, residence and mailing address information for both the deceased inventor and the legal representative. However, the residence given for the legal representative is incomplete, and it would not be reasonable to construe his residential address to be the same as his mailing address because the mailing address given appears to be a business address, not a residential address. Therefore, it would not be appropriate to accept this declaration under 37 CFR 1.42 at this time.

DECISION

The declaration is **NOT ACCEPTED** under 37 CFR 1.42, 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 1.42." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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PCT LEGAL ADMINISTRATION

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

In re Application of
Enrietti
Application No.: 12/989,276
PCT No.: PCT/IT2009/000182
Int. Filing Date: 23 April 2009
Priority Date: 24 April 2008
Attorney Docket No.: 007231.00003
For: System For The Injection Moulding Of Plastic Material, Particularly Suitable For Being Assoc...

DECISION

This is in response to the renewed submission under 37 CFR 1.42 filed on 09 February 2011.

DISCUSSION

In a Decision mailed on 28 December 2010, the declaration filed on 22 October 2010 was not accepted under 37 CFR 1.42, without prejudice, because

> ...the residence given for the legal representative is incomplete, and it would not be reasonable to construe his residential address to be the same as his mailing address because the mailing address given appears to be a business address, not a residential address...

In response, applicant has filed a new declaration, signed on behalf of the deceased inventor by Roberto Enrietti in the capacity of "heir & legal representative." This declaration satisfies the requirements of 37 CFR 1.42 and 1.497(b)(2).

The surcharge under 37 CFR 1.492(h) is being charged to Deposit Account 19-0733, per the authorization filed on 09 February 2011.

DECISION

The declaration filed on 09 February 2011 is **ACCEPTED** under 37 CFR 1.42.

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 **09 February 2011**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/989,283	12/23/2010	Hiroyuki Ishii	17470/094001	7945

22511 7590 07/29/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
07/29/2011	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):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com

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JUN 28 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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Jonathan P. Osha
OSHA LIANG L.L.P.
TWO HOUSON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

In re Application of: HIROYUKI, I. et al.
Application No.: **12/989,283**
Filed: October 22, 2010
Attorney Docket No.: 17470/094001
For: MOBILE COMMUNICATION METHOD, MOBILE STATION, AND RADIO BASE STATION

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed **June 16, 2011**, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is:
(a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of: (a) the allowable/patentable claim(s) from the Japanese application(s), (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and (c) a statement that the English translation is accurate.

(3) 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 the petition was 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 Beatriz Prieto at 571-272-3902. A second point of contact is Hassan Kizou at 571-272-3088.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400

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59582
DICKINSON WRIGHT PLLC
38525 Woodward Avenue
Suite 2000
Bloomfield Hills, MI 48304-2970

MAILED
NOV 30 2010
PCT LEGAL ADMINISTRATION

In re Application of :
ASENSI ALONSO *et al* :
U.S. Application No.: 12/989,285 :
PCT No.: PCT/ES2009/70100 :
Int. Filing Date: 14 April 2009 :
Priority Date: 14 April 2008 :
Docket No.: 33422.20 :
For: SELF-LOCKING COUPLING ELEMENT :
BETWEEN SHUTTER SLATS :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 22 October 2010 with the national stage papers is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted on 22 October 2010. The $65.00 surcharge fee for late filing of the declaration pursuant to 37 CFR 1.492(h) has been charged to Deposit Account No. 04-1061 as authorized.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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OCT 28 2010

PCT LEGAL ADMINISTRATION

Dickinson Wright PLLC
38525 Woodward Avenue
Suite 2000
Bloomfield Hills, MI 48304-2970

In re Application of	:	
ALONSO et al.	:	
Application No.: 12/989,322	:	
PCT No.: PCT/ES2009/070098	:	DECISION ON PETITION
Int. Filing Date: 13 April 2009	:	UNDER 37 CFR 1.137(b)
Priority Date: 14 April 2008	:	
Attorney Docket No.: 33422-21	:	
For: SELF-LOCKING SLAT FOR SHUTTER	:	

The petition to revive under 37 CFR 1.137(b) filed 22 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 reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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DEC 22 2010

PCT LEGAL ADMINISTRATION

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

In re Application of	:	
Rice et al.	:	
Application No.: 12/989,326	:	DECISION
PCT No.: PCT/US2009/035500	:	
Int. Filing Date: 27 February 2009	:	ON
Priority Date: 29 February 2008	:	
Attorney Docket No.: NG(ST)018151USPCT	:	PETITION
For: Optical Fiber Systems And Methods	:	

The petition to revive under 37 CFR 1.137(b) filed on 22 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
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/989,330	10/22/2010	Hitoshi Furuya	1609-0299PUS1	8185

2292 7590 02/16/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
1733	

NOTIFICATION DATE	DELIVERY MODE
02/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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Alexandria, VA 22313-1450
www.uspto.gov

CST

February 15, 2011

In re application of Hitoshi Furuya et al Serial No. 12/989,330 Filed: October 22, 2010 For: STEEL PLATE THAT EXHIBITS EXCELLENT LOW-TEMPERATURE TOUGHNESS IN BASE MATERIAL	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed October 27, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate; and

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE
BLDG. #3
LAWRENCEVILLE, NJ 08648

MAILED
NOV 04 2011
OFFICE OF PETITIONS

APPLICANT: Toraichi, et al.
Appl. No.: 12/989,344
International Filing Date: May 1, 2009
Title: AUDIO PROCESSING DEVICE AND AUDIO PROCESSING METHOD
Attorney Docket No.: 8118-0002 (86647.00003)
Pub. No.: US 2011/0058686 A1
Pub. Date: March 10, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on March 29, 2011, for the above-identified application.

The request is granted

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/989,365	10/22/2010	Yosuke Akimoto	1254-0454PUS1	8405

2292 7590 08/04/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2469	

NOTIFICATION DATE	DELIVERY MODE
08/04/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of: AKIMOTO, YOSUKE et al.
Application No. 12/989,365
Filed: October 22, 2010
For: MOBILE COMMUNICATION SYSTEM, BASE STATION APPARATUS, MOBILE STATION APPARATUS, AND MOBILE COMMUNICATION METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 30, 2011, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) For petitions to make special filed with a PPH request *on or after* May 25, 2010, the USPTO has eliminated the fee. Petitions to make special filed with a PPH request **prior** *to* May 25, 2010 will be treated under 37 CFR 1.102(d) and the petition fee set forth in 37 CFR 1.17(h) **will** be required. (see Fed. Reg. vol. 75, No. 100, dated 05/25/10).

The request to participate in the PPH program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Aaron Strange at 571-272-3959.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400

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24956
MATTINGLY & MALUR, P.C.
1800 Diagonal Road
Suite 370
Alexandria, VA 22314

MAILED

JUN 29 2011

PCT LEGAL ADMINISTRATION

In re Application of
HEMMI *et al*
U.S. Application No.: 12/989,425
PCT No.: PCT/JP2010/006015
Int. Filing Date: 07 October 2010
Priority Date: None
Docket No.: WL-7659
For: STORAGE CONTROL APPARATUS AND STORAGE CONTROL APPARATUS CONTROL METHOD

DECISION

This is a decision on the "Request to Vacate" filed on 06 May 2011 which is treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 25 October 2010, applicants filed papers for express entry into the national stage in the United States of PCT/JP2010/006015 filed 07 October 2010. These papers were accompanied by, *inter alia*, $1,090.00 in fees and a copy of the international application which was filed in English.

On 28 April 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Insufficient Basic National Fee Required and/or Missing Copy of International Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/912).

On 06 May 2011, applicants filed the subject request to vacate the Form PCT/DO/EO/912. Applicants filed a copy of the PCT Request of PCT/JP2010/006015 on 19 May 2011.

DISCUSSION

Applicants request that the Form PCT/DO/EO/912 mailed 28 April 2011 be vacated.

The Form PCT/DO/EO/912 states that the following items must be furnished: a copy of the international application which includes a copy of the PCT Request; the

basic national fee.

A review of the subject application shows that applicant requested express entry[1] into the national stage on 25 October 2010 and provided the appropriate fees and a copy of the international application with PCT Request. The international application was filed in English. No translation is required.

Therefore, the Form PCT/DO/EO/912 was sent in error.

DECISION

Applicants' petition to vacate under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/912 mailed 28 April 2011is hereby **VACATED**.

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

[1] 35 U.S.C. 371 (f). At the express request of the applicant, the national stage of processing may be commenced at any time at which the application is in order for such purpose and the applicable requirements of subsection (c) of this section have been complied with.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/989,473	10/25/2010	Satoi Usuda	NUMAP0161US	9374

43076 7590 07/26/2011
MARK D. SARALINO (GENERAL)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE, NINETEENTH FLOOR
CLEVELAND, OH 44115-2191

EXAMINER

ART UNIT	PAPER NUMBER
3726	

MAIL DATE	DELIVERY MODE
07/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MARK D. SARALINO (GENERAL)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE, NINETEENTH FLOOR
CLEVELAND OH 44115-2191

In re Application of: USUDA, SATOI, et al Serial No.: 12/989473 Filed: 10/25/2010 Attorney Docket No. : NUMAP0161US Title: ATTACHMENT UNIT FOR FIVE-FACE MACHINING	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 25, 2010 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

MAILED
MAR 09 2011
OFFICE OF PETITIONS

In re Application of :
Marc Wysocki :
Application No. 12/989,475 : ON PETITION
Deposited: October 25, 2010 :
Attorney Docket No. 4859.RHP.PC.US :

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission and loss of small entity status filed February 7, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc.. 154 F.33d 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 in the amount of $555, under 37 CFR 1.28, is hereby accepted and the petition is **GRANTED**. Status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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J.A. Lindeman & Co. PLLC
3190 Fairview Park Drive
Suite 480
Falls Church VA 22042

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Taylor G. Wang	:	
Application No. 12/989,490	:	DECISION ON PETITION
Filed: January 10, 2011	:	TO WITHDRAW
Attorney Docket No. 009.0001-US00	:	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 June 27, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jeffrey A. Lindeman, on behalf of all attorneys/agents associated with customer number 92049. All attorneys/agents associated with customer number 92049 have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Taylor G. Wang
c/o Encapsulife, Inc
4999 Tyne Ridge Court
Nashville, TN 37220

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/989,490	01/10/2011	Taylor G. Wang	009.0001-US00

CONFIRMATION NO. 9489

POWER OF ATTORNEY NOTICE

92049
J.A. Lindeman & Co. PLLC
3190 Fairview Park Drive
Suite 480
Falls Church, VA 22042

OC000000048654701

Date Mailed: 07/08/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/27/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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DEC 08 2010

PCT LEGAL ADMINISTRATION

BANNER & WITCOFF, LTD.
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

In re Application of	:	
MARTIN PRESA RAUL	:	
US Application No.: 12/989,505	:	DECISION
PCT Application No.: PCT/ES2007/70083	:	
Int. Filing Date: 26 April 2007	:	UNDER
Atty Docket No.: 006336.00040	:	
For: DEPLOYABLE ADVERTISING MEDIUM	:	
FORMED BY A PLANE PANEL	:	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 25 October 2010.

BACKGROUND

Applicant filed international application, PCT/ES2007/70083, on 26 April 2007. The international application became abandoned at midnight on 26 October 2009 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 25 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).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived 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 charged to applicant's deposit account as authorized.

Regarding item (3), 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" 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. The 35 USC 371(c)(1),(2) and (4) date is 25 October 2010.

Shian Duong
PCT Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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SEP 20 2011

PCT LEGAL ADMINISTRATION

Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

In re Application of: LIU, Hang, et al.
U.S. Application No.: 12/989,544
PCT No.: PCT/US2008/005495
International Filing Date: 29 April 2008
Priority Date: 29 April 2008
Attorney's Docket No.: PU080043
For: A METHOD AND SYSTEM FOR ADAPTING FORWARD ERROR CORRECTION IN MULTICAST OVER WIRELESS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition for revival under 37 CFR 1.137(b) filed 02 August 2011 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 09 January 2011 due to applicants' failure to submit a proper response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 09 November 2010. The abandonment was confirmed in the "Notification of Abandonment" (Form PCT/DO/EO/903) mailed on 24 August 2011.

The present petition was accompanied by the petition fee and the "required reply" in the form of a proper response to the Notification Of Missing Requirements, that is, an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the present national stage application is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA, VA 22314

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of :
Thomas Wiederer :
Application No. 12/989,562 : NOTICE
Filed: October 25, 2010 :
Attorney Docket No. GRAF-001

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**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/989,584	10/25/2010	Akinori Hayashi	SUT-0503	1052

74384 7590 07/05/2011
Cheng Law Group, PLLC
1100 17th Street, N.W.
Suite 503
Washington, DC 20036

EXAMINER
NELMS, DAVID C

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
07/05/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Cheng Law Group, PLLC
1100 17th Street, N.W.
Suite 503
Washington DC 20036

In re Application of	**: DECISION ON REQUEST TO**
HAYASHI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/989,584	**: PROSECUTION HIGHWAY**
Filed: 25 October 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: SUT-0503	**: TO MAKE SPECIAL UNDER**
For: STEREOSCOPIC IMAGE	**: 37 CFR 1.102(a)**
DISPLAY APPARATUS	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 22 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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JAN 07 2011

PCT LEGAL ADMINISTRATION

ROBERT DABNEY EASTHAM
315 ANNA MARIA DRIVE
ALTADENA CA 91001-4005

In re Application of	:	
KIM, Yong Man	:	
Application No.: 12/989,640	:	DECISION ON
PCT No.: PCT/US2009/041740	:	
Int. Filing Date: 25 April 2009	:	REQUEST
Priority Date: 25 April 2008	:	
Attorney Docket No.: 119-101US1NP	:	UNDER 37 CFR 1.42
For: DISTRIBUTED PLATFORM OF	:	
TELEVISION BROADCASTING	:	
SYSTEM STRUCTURE BASED ON	:	
INTERNET PROTOCOL NETWORK	:	

This is a decision on applicant's submission of a declaration on 25 October 2010, containing an indication that an inventor is deceased. It has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 25 October 2010, applicants filed a transmittal letter to the United States Designated/Elected Office, accompanied by, *inter alia*, the basic national fee and a declaration of the inventor.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The 25 October 2010 declaration indicates that it is composed of three pages with the third page that additional inventors of legal representative are named on two supplemental sheets. A supplemental sheet listing the legal representative is numbered "page 4 of 4". Notwithstanding the inconsistent page numbering, it is the Office's understanding that the complete declaration is 4 pages and that the entire 4 page declaration was presented to the legal representative. If this is not a correct understanding, applicant must notify the Office immediately and supply an oath or declaration in compliance with requirements. The 25 October 2010 declaration satisfies the requirements of 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

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27045
ERICSSON INC.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

MAILED

MAR 10 2011

PCT LEGAL ADMINISTRATION

In re Application of :
CSASZAR *et al* :
U.S. Application No.: 12/989,705 :
PCT No.: PCT/EP2008/003381 :
Int. Filing Date: 25 April 2008 :
Priority Date: None :
Docket No.: P25833-US1 :
For: CONGESTION HANDLING IN :
MULTICAST NETWORKS :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 14 January 2011 is hereby **GRANTED** as follows:

The surcharge 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
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICES OF ALBERT WAI-KIT CHAN, PLLC
141-07 20TH AVENUE
WORLD PLAZA, SUITE 604
WHITESTONE NY 11357

MAILED
SEP 19 2011
PCT LEGAL ADMINISTRATION

In re Application of
Datla et al.
Application No. 12/989,716
PCT No.: PCT/IN2008/000769
Int. Filing Date: 14 November 2008
Priority Date: N/A
Atty. Docket No.: 1515-PCT-US
For: Stable Biocatalysts Of Penicillin Acylase As Gel Aggregates And The Process Of...

DECISION

This is in response to the correspondence filed on 23 May 2011.

BACKGROUND

This international application was filed on 14 November 2008, claimed no earlier priority date, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 20 May 2010. The 30 month time period for paying the basic national fee in the United States expired at midnight on 14 May 2011. Applicants filed, *inter alia*, the basic national fee on 26 October 2010.

On 30 March 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h). Said Notification specifically indicated that the declaration was defective because of discrepancies in the inventors' names.

DISCUSSION

Inspection of the declaration filed on 23 May 2011 reveals that the orders of the names of the second, fourth and fifth inventors differ from the respective names as they appear in the published international application. MPEP 605.04(b) states in part that

> *Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.*

In that the requested change clearly represents more than the correction of a typographical or transliteration error, a formal petition under 37 CFR 1.182 would be required in order for the names to be accepted as they appear on the declaration. Under existing policy, the inversion of the order of an inventor's names is regarded as more than a mere typographical error, necessitating such a petition under 37 CFR 1.182. Any such petition should be accompanied by a first-hand statement stating the relevant facts (e.g., a statement by the

inventor(s) stating that both names apply to the same person(s), and indicating whether deceptive intent was involved in the name change(s)). *See also* MPEP 1893.01(e).

The Filing Receipt and Notice of Acceptance (Form PCT/DO/EO/903) mailed on 18 August 2011 were issued prematurely, and both are hereby **VACATED**.

DECISION

The declaration is **NOT ACCEPTED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within either (a) **ONE (1) MONTH** from the mail date of this decision (**NOT** extendable under 37 CFR 1.136(a)), or (b) any remaining period for response to the Notification of Missing Requirements mailed on 30 March 2011, as extended under 37 CFR 1.136(a), whichever expires later. This period for response is analogous to that which would have been set by a Notification of Defective Response (Form PCT/DO/EO/916)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

MAILED
DEC 15 2010
PCT LEGAL ADMINISTRATION

In re Application of Zavadsky et al US Application No.: 12/989,739 PCT Application No.: PCT/CA2008/000734 Int. Filing Date: 18 April 2008 Atty Docket No.: SHA016P308 For: METHOD OF DERIVING AN INTEGRATED CIRCUIT SCHEMATIC DIAGRAM	:	DECISION UNDER 37 CFR 1.137(b)

This decision is in response to applicants' "PETITION TO REVIVE UNDER 37 C.F.R. 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 26 October 2010.

BACKGROUND

Applicants filed international application, PCT/CA2008/000734, on 18 April 2008. The international application became abandoned at midnight on 18 October 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 26 October 2010, applicants filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 CFR 1.137(b).

On 09 November 2010, the DO/EO/US mailed "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495".

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived 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), applicants have provided the required reply.

Regarding item (2), the $1620 petition fee has been charged to applicant's credit card as authorized.

Regarding item (3), the statement satisfies the requirement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

It is noted that the declaration filed during the international stage does not comply with PCT Rule 4.17(iv). A PCT Rule 4.17(iv) declaration filed after the international filing date must identify the PCT application number in the body of the declaration. See Administrative Instruction 214. The declaration in the file fails to indentify the international application number and is therefore improper. Accordingly, the Notice of Acceptance is hereby vacated.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.137(b) is **GRANTED**.

The Notice of Acceptance (Form PCT/DO/EO/903) 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 mailing of Notice of Missing Requirements (PCT/DO/EO/905) required a new oath or declaration in compliance with 37 CFR 1.497(a) - (b).

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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:	12/989,761	Filing date:	2008-04-30
First Named Inventor:	Martin PORTELANCE		
Title of the Invention:	VEHICLE HAVING A SHIFT LEVER ON A HANDLEBAR THEREOF		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/062063

The international date of the corresponding PCT application(s) is/are: 2008-04-30

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/989,761
First Named Inventor:	Martin PORTELANCE

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 26, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 26, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-19	1-19	All claims are identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Dominic Goudreault 53915/	Date November 1, 2010
Name (Print/Typed) Dominic Goudreault	Registration Number 53,915

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/989,761	10/26/2010	Martin Portelance	1125641	1973

28735 7590 02/01/2011
OSLER, HOSKIN & HARCOURT LLP (BRP)
2100 - 1000 DE LA GAUCHETIERE ST. WEST
MONTREAL, QC H3B4W5
CANADA

EXAMINER

ART UNIT	PAPER NUMBER
3611	

NOTIFICATION DATE	DELIVERY MODE
02/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipmtl@OSLER.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 3 1 2011

Commissioner for Patents
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Alexandria, VA 22313-1450
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OSLER, HOSKIN & HARCOURT LLP (BRP)
2100 - 1000 DE LA GAUCHETIERE ST. WEST
MONTREAL QC H3B4W-5 CA CANADA

In re application of	:	**DECISION ON REQUEST TO**
Martin Portelance	:	**PARTICIPATE IN PATENT**
Application No. 12/989,761	:	**PROSECUTION HIGHWAY**
Filed: October 26, 2010	:	**PROGRAM AND PETITION**
For: VEHICLE HAVING A SHIFT LEVER	:	**TO MAKE SPECIAL UNDER**
ON A HANDLEBAR 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 November 2, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 01/31/11

PTO/SB/20PCT-EP (01-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/989,770	Filing date:	April 30, 2008
First Named Inventor:	Ronald SCHAPF		
Title of the Invention:	Vehicle Suspension System Having Adjustable Track Width		

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/US2008/062044

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.**

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 26, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 26, 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.:	12/989,770
First Named Inventor:	Ronald SCHAPF

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
7-10, 19	7-10, 19	Claims are identical

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 /Dominic Goudreault,53915/	Date November 1, 2010
Name (Print/Typed) Dominic Goudreault	Registration Number 53915

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/989,770	10/26/2010	Ronald Schapf	1125651	2062

28735 7590 02/09/2011
OSLER, HOSKIN & HARCOURT LLP (BRP)
2100 - 1000 DE LA GAUCHETIERE ST. WEST
MONTREAL, QC H3B4W5
CANADA

EXAMINER

ART UNIT	PAPER NUMBER
3611	

NOTIFICATION DATE	DELIVERY MODE
02/09/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipmtl@OSLER.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

FEB - 8 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OSLER, HOSKIN & HARCOURT LLP (BRP)
2100 - 1000 DE LA GAUCHETIERE ST. WEST
MONTREAL QC H3B4W-5 CA CANADA

In re application of Schapf et al. Application No. 12/989,770 Filed: October 26, 2010 For: VEHICLE SUSPENSION SYSTEM HAVING ADJUSTABLE TRACK WIDTH	:	**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 02, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH pilot program and petition fail to include:
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s); Claims 1- 5, 11- 14, 16 - 18, and 20 - 22 are not sufficiently correspond to the allowed claims in PCT/US2008/062044.

Claims 6 and 15 have been canceled. Also note, in the "Claims Correspondence Table" applicant ONLY cited claims 7- 10, 19 in US application are corresponding to claims 7 - 10 and 19 of PCT application. There are no indication regarding claims 1- 5, 11- 14, 16- 18 and 20 -22 in the US application and the corresponding claims in the PCT application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 02/08/11

UNITED STATES PATENT and TRADEMARK OFFICE

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MAILED

JUL 21 2011

PCT LEGAL ADMINISTRATION

K&L Gates LLP
STATE STREET FINANCIAL CENTER
One Lincoln Street
BOSTON MA 02111-2950

In re Application of	:	DECISION ON
SEDDON et al	:	
Application No.: 12/989,771	:	
International App. No.: PCT/US2009/041778	:	
Int. Filing Date: 27 April 2009	:	
Priority Date: 28 April 2008	:	REQUEST UNDER
Attorney's Docket No.: TMC-003	:	
For: POLYNUCLEOTIDES ASSOCIATED...	:	
EVALUATING PATIENT RISK	:	37 CFR 1.497(d)

This is a decision on applicants' "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" filed on 20 may 2011, which is being treated as a request under 37 CFR 1.497(d) naming additional inventor, Mark Daly, in the executed declaration. The $130.00 processing fee has been charged to Deposit Account No. 50-1721 as indicated in the request.

BACKGROUND

On 27 April 2009, applicants filed international application No. PCT/US2009/041778 designating the United States and claiming a priority date of 28 April 2008.

On 26 October 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration was filed at such time.

On 09 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date" must be submitted within two (2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 08 April 2011, applicants filed an executed declaration in response to the "Notification of Missing Requirements" mailed on 09 November 2010.

On 22 April 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating that the oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: Mr. DALY is not listed on the International Application as inventor... If you require assistance regarding a petition to add an inventor, please contact the PCT Help Desk at 571-272-4300.

On 20 May 2011, applicants filed a "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE," which included, *inter alia*, a statement under 37 CFR1.497(d) adding Mark Daly to the declaration.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
(2) the fee set forth in § 1.17(I); and
(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (1), the statement submitted on 20 May 2011 by Mark Daly is sufficient because the statement states that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been charged to the Deposit Account.

With respect to item (3), as Susan Blanchard, has the authority to act on behalf of the assignee. As such, Tufts Medical Center, the assignee, consents to the addition of Mark Daly on the executed declaration, and has filed the requisite papers showing that it is the assignee of the above application as per the assignments filed on 08 April 2011. As a result, it has establish its right to take action under 37 CFR §3.73(b).

Accordingly, the request is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **08 April 2011**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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DEC 01 2010

PCT LEGAL ADMINISTRATION

MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

In re Application of PÉREZ SALAS et al	:	
U.S. Application No.: 12/989,778	:	
PCT Application No.: PCT/ES2009/070092	:	
Int. Filing Date: 06 April 2009	:	DECISION
Priority Date Claimed: 08 April 2008	:	
Attorney Docket No.: 027413-000011	:	
For: GLYCOSYLATED INDOLECARBAZOLES,	:	
METHOD FOR OBTAINING SAME AND	:	
USES THEREOF	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 26 October 2010.

BACKGROUND

On 06 April 2009, applicant filed international application PCT/ES2009/070092, which claimed priority of an earlier Spain application filed 08 April 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 15 October 2009. The thirty-month period for paying the basic national fee in the United States expired on 08 October 2010.

On 09 October 2010, international application PCT/ES2009/070092 became abandoned as to the United States for failure to timely pay the basic national fee.

On 26 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), the required petition fee will be charged to Deposit Account No. 13-4365 as authorized in the transmittal letter.

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.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/989,798	02/08/2011	Mikio Iwamura	17470/095001	2758

22511 7590 08/12/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

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):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	**: DECISION ON REQUEST TO**
IWAMURA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/989,798	**: PROSECUTION HIGHWAY**
Filed: 08 February 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: 17470/095001	**: TO MAKE SPECIAL UNDER**
For: MOBILE COMMUNICATION METHOD	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 27 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/989,801	01/21/2011	Mikio Iwamura	17470/097001	2781

22511 7590 08/12/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

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.

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docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	**: DECISION ON REQUEST TO**
IWAMURA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/989,801	**: PROSECUTION HIGHWAY**
Filed: 21 January 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: 17470/097001	**: TO MAKE SPECIAL UNDER**
For: MOBILE COMMUNICATION	**: 37 CFR 1.102(a)**
METHOD AND SWITCHING CENTER	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 27 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/989,803	02/09/2011	Mikio Iwamura	17470/096001	2857

22511 7590 07/13/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
07/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com

MAILED

JUN 08 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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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: IWAMURA et al.
Application No.: **12/989,803**
Filed: October 27, 2010
For: MOBILE COMMUNICATION METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed **October 27, 2010**, to make the above-identified application special.

The petition is **DISMISSED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The petition fails to meet conditions (2), (3) and (5) as shown above.

In the request for participation filed, Applicant claims priority to JPO 2008-243404 and PCT/JP2009/066423, which corresponds to the foreign priority and domestic benefit/national stage information listed in the application data sheet for the U.S. application filed October 27, 2010.

However, the copy of the allowable/patentable claims from the JPO application along with an English translation thereof and a statement that the English translation is accurate as required by condition (2) and the copy of all the office actions from each of the JPO application containing the allowable/patentable claim along with an English translation thereof and a statement that the English translation is accurate as required by condition (5) refer and correspond to JPO 2009-209830.

Furthermore, the claims in the U.S. application which must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims of the JPO application as required by condition (3) also refer and correspond to JPO 2009-209830 (i.e. not JPO 2008-243404). Therefore, since the JPO application for which the U.S. application claim priority to does not correspond with the JPO application stated in the above listed items, the petition fails to meet these conditions.

Accordingly, the petition is **DISMISSED**.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Responses must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902. A second point of contact is Hassan Kizou at 571-272-3088. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Networking, Multiplexing, Cable and Security

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.
12/989,803	02/09/2011	Mikio Iwamura	17470/096001	2857

22511 7590 08/18/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
08/18/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com

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AUG 17 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 24

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: IWAMURA et al.
Application No. **12/989803**
Filed: February 9, 2011
For: MOBILE COMMUNICATION METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the renew request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed **July 26, 2011** to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h) if filed before May 25, 2010.

The request to participate in the PCT-PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Hassan Kizou, Quality Assurance Specialist, can be reached at (571) 272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is 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.

/Beatriz Prieto/

Beatriz Prieto
Technology Center 2400

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:	12/989,832	Filing date:	January 07, 2011
First Named Inventor:	Theo NIJHUIS		
Title of the Invention:	ARRANGEMENT WITH AN ELECTRIC MOTOR AND A PUMP		

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/EP2009/054366

The international date of the corresponding PCT application(s) is/are: April 14, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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.:	12/989,832
First Named Inventor:	Theo NIJHUIS

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 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 October 27, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
7	1	US claim as per Preliminary Amendment filed Oct. 27, 2010
8	2	US claim as per Preliminary Amendment filed Oct. 27, 2010
9	3	US claim as per Preliminary Amendment filed Oct. 27, 2010
10	4	US claim as per Preliminary Amendment filed Oct. 27, 2010
11	5	US claim as per Preliminary Amendment filed Oct. 27, 2010
12	6	US claim as per Preliminary Amendment filed Oct. 27, 2010
13	6	US claim as per Preliminary Amendment filed Oct. 27, 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 09, 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/989,832	01/07/2011	Theo Nijhuis	2008P05167WOUS	3221

22116 7590 03/24/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
03/24/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of	**: DECISION ON REQUEST TO**
NIJHUIS et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/989,832	**: PROSECUTION HIGHWAY**
Filed: 07 January 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: 2008P05167WOUS	**: TO MAKE SPECIAL UNDER**
For: ARRANGEMENT WITH AN	**: 37 CFR 1.102(a)**
ELECTRIC MOTOR AND A PUMP	

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 09 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

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Nixon & Vanderhye, PC
901 North Glebe Road, 11th Floor
Arlington VA 22203

MAILED
SEP 29 2011
PCT LEGAL ADMINISTRATION

In re Application of:
JONGEDIJK et al.
U.S. Application No.: 12/989,862
PCT No.: PCT/EP2009/055219
International Filing Date: 29 April 2009
Priority Date: 29 April 2008
Attorney's Docket No.: BHD-4662-1726
For: STACK OF FIRST AND SECOND LAYERS, A PANEL AND A BALLISTIC RESISTANT ARTICLE COMPRISING THE STACK OR PANEL

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Response to and Request for Withdrawal of Notification of Defective Response" filed 08 June 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 the second inventor. The required $400 petition has been charged to Deposit Account no. 14-1140.

BACKGROUND

On 29 April 2009, applicant filed international application no. PCT/EP2009/055219 which claimed a priority date of 29 April 2008. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 November 2009. The international application named JONGEDKIJK, Marcel; PUTTEN VAN, Koen; and ES VAN, Martin Antonius as an applicants/inventors. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 29 October 2010.

On 27 October 2010, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia,: the basic national fee, a preliminary amendment; and a copy of the international application.

On 09 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 07 January 2011, applicants filed a declaration executed by: Marcel JONGEDKIJK; Koen VAN PUTTEN; and Martin Antonius VAN ES.

On 28 April 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was not executed in accordance with 37 CFR 1.497(a)-(b) and does not properly identify the second inventor (Martin Antonius ES VAN).

On 08 June 2011, applicants filed "Response to and Request for Withdrawal of Notification of Defective Response" considered herein.

DISCUSSION

Inventor Martin Antonius VAN ES

In the published international application, the second inventor was identified as Martin Antonius ES VAN. On the declaration filed 07 January 2011, this inventor was identified as Martin Antonius VAN ES. 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. Similarly, a typographical or transliteration error in the name of an inventor identified in a previously submitted oath or declaration may be corrected by simply notifying the Office of the error. A new oath or declaration is not required to correct such error.

As stated above, the published international application identifies the second inventor as Martin Antonius ES VAN. Applicant states that "the name of the inventor is Martin Antonius VAN ES . . . [a]ccording to Dutch naming traditions, the surname 'ES' is preceded by the prefix 'VAN'." However, in accordance with PCT Rule 4.4, the appropriate format for naming an inventor on the PCT Request is "Family Name" followed by "Given Name." Therefore, the International Bureau indicated the name of the inventor as it appeared on the PCT Request and applicant is required to correct the error in the inventor's name.

In that this is clearly more than a mere typographical error 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 first hand knowledge regarding the error/discrepancy in the inventor's name.

Applicants' petition includes the authorization to charge Deposit Account No. 14-1140 for required fees. Based on this authorization, Deposit Account No. 14-1140 will be charged the requisite petition fee of $400. The petition explains the discrepancy in the inventor's name and that the order of second inventor's name has been corrected. Accordingly, applicants' explanation of the difference in the second inventor's name is accepted and noted for the record.

Inventor Koen PUTTEN VAN

A review of the declaration submitted 07 January 2011 reveals that it is not in compliance with the requirements of 37 CFR 1.497(a) and (b). Specifically, the inventor identified on the international application as Koen PUTTEN VAN. In that this is clearly more than a mere typographical error 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 first hand knowledge regarding the error/discrepancy in the inventor's name.[1]

Therefore, item (2) has not been satisfied, and thus the petition may not be granted at this time.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." 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

[1]An additional petition fee will not be required since the response will be treated as a Renewed Petition under 37 CFR 1.182.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
DEC 15 2011
PCT LEGAL ADMINISTRATION

Nixon & Vanderhye, PC
901 North Glebe Road, 11th Floor
Arlington VA 22203

In re Application of:
JONGEDIJK et al.
U.S. Application No.: 12/989,862
PCT No.: PCT/EP2009/055219
International Filing Date: 29 April 2009
Priority Date: 29 April 2008
Attorney's Docket No.: BHD-4662-1726
For: STACK OF FIRST AND SECOND LAYERS, A PANEL AND A BALLISTIC RESISTANT ARTICLE COMPRISING THE STACK OR PANEL

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.182" filed submission dated 25 November 2011.[1] Applicants are notifying the Office that the name of the third inventor is Koen VAN PUTTEN as indicated on the declaration rather than Koen PUTTEN VAN as indicated on the published international application.

In the published international application, the inventor was identified as Koen PUTTEN VAN. On the declaration filed 07 January 2011, this inventor was identified as Koen VAN PUTTEN. 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]The procedural background for the above-identified application is set forth in the Decision on Petition mailed 29 September 2011.

> 1.182 will not be required. In such case, the Office should simply be notified of the error.

Applicant states that "the name of the inventor is Koen VAN PUTTEN . . . [a]ccording to Dutch naming traditions, the surname 'PUTTEN' is preceded by the prefix 'VAN'." However, in accordance with PCT Rule 4.4, the appropriate format for naming an inventor on the PCT Request is "Family Name" followed by "Given Name." Therefore, the International Bureau indicated the name of the inventor as it appeared on the PCT Request and applicant is required to correct the error in the inventor's name.

In that this is clearly more than a mere typographical error 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 first hand knowledge regarding the error/discrepancy in the inventor's name.

Here, applicants' previous submission included $400, satisfying the petition fee requirement. The petition explains the discrepancy in the inventor's name and that the order of third inventor's name has been corrected. Based on applicants' statements herein, it is accepted that the correct full name for the third inventor herein is Koen VAN PUTTEN, as set forth on the declaration filed 07 January 2011.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to correct the name of record for the third 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 07 January 2011.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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:	12/989,889	Filing date:	October 27, 2010
First Named Inventor:	Knud Stenbaek Nielsen		
Title of the Invention:	A CONSOLIDATED COMPOSITE PRE-FORM		

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/EP2009/055208

The international date of the corresponding PCT application(s) is/are: April 29, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/989,889
First Named Inventor:	Knud Stenbaek Nielsen

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 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 October 27, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Similar in scope; no substantive changes
2	2	Similar in scope; no substantive changes
3	3	Similar in scope; no substantive changes
4	4	Combination of claims 1 and 4; multiple dependency deleted
5	5	Combination of claims 1 and 5; multiple dependency deleted
6	6	Combination of claims 1 and 6; multiple dependency deleted
7	7	Combination of claims 1 and 7; multiple dependency deleted
8	8	Combination of claims 1 and 8; multiple dependency deleted
9	9	Combination of claims 1 and 9; multiple dependency deleted
10	10	Combination of claims 1 and 10; multiple dependency deleted
12	11	Combination of claims 1 and 11; multiple dependency deleted
13	12	Combination of claims 1 and 12; multiple dependency deleted
14	13	Similar in scope; no substantive changes
18	14	Similar in scope; no substantive changes
19	15	Similar in scope; no substantive changes
20	16	Combination of claims 14 and 16; multiple dependency deleted
21	17	Combination of claims 14 and 17; multiple dependency deleted
22	18	Combination of claims 14 and 18; multiple dependency deleted
23	19	Combination of claims 14 and 19; multiple dependency deleted

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Steven W. Benintendi/	Date November 18, 2010
Name (Print/Typed) Steven W. Benintendi	Registration Number 56,297

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.:	12/989,889
First Named Inventor:	Knud Stenbaek Nielsen

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 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 October 27, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
24	20	Combination of claims 14 and 20; multiple dependency deleted
25	21	Combination of claims 14 and 21; multiple dependency deleted
26	22	Combination of claims 1 and 22; multiple dependency deleted
27	23	Combination of claims 22 and 23; multiple dependency deleted

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Steven W. Benintendi/	Date November 18, 2010
Name (Print/Typed) Steve W. Benintendi	Registration Number 56,297

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/989,889	10/27/2010	Knud Stenbaek Nielsen	VWS-161US	3590

26875 7590 01/13/2011
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
01/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:
STENBAEK NIELSEN, KNUD et al	: DECISION ON REQUEST TO
Application No. 12/989,889	: PARTICIPATE IN PATENT
Filed: Oct. 27, 2010	: PROSECUTION HIGHWAY
Attorney Docket No VWS-161US	: PILOT PROGRAM AND PETITION
For: CONSOLIDATED COMPOSITE	: TO MAKE SPECIAL UNDER
PRE-FORM	: 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 Nov. 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 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 Ed Look, the SPE of Art Unit 3745 and (571)272-4820 for Class 416/223 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/989,918	12/08/2010	Mikio Iwamura	17470/099001	3856

22511 7590 08/12/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

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):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.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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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	**: DECISION ON REQUEST TO**
IWAMURA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/989,918	**: PROSECUTION HIGHWAY**
Filed: 21 January 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: 17470/099001	**: TO MAKE SPECIAL UNDER**
For: MOBILE COMMUNICATION	**: 37 CFR 1.102(a)**
METHOD AND MOBILE STATION	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 27 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2600

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

MAY 23 2011

PCT LEGAL ADMINISTRATION

Brinks Hofer Gilson & Lione/Ann Arbor
524 South Main Street
Suite 200
Ann Arbor MI 48104

In re Application of :
DEMPWOLFF :
U.S. Application No.: 12/989,923 :
PCT Application No.: PCT/EP09/54073 : PETITION FOR REFUND
Int. Filing Date: 06 April 2009 :
Priority Date: 29 April 2008 :
Atty. Docket No.: 11453-004 :
For: ROLLER BLIND HAVING A SOLAR-DRIVEN :
ELECTRIC MOTOR :

This is a decision on applicant's petition entitled "NOTIFICATION OF CHANGE IN ENTITY STATUS", which is a request for refund filed on 21 March 2011 in the United States Patent and Trademark Office.

On 27 October 2010, applicant filed a transmittal letter to enter national stage along with the basic national fee, national search and examination fees. On 21 March 2011, more than three months after paying these fees, applicant filed a request for refund of $542 for national fees processed on 27 October 2010 along with a small entity statement.

A review of the finance records reveals that applicant paid the above referenced fees more than three months prior to filing the small entity statement. The small entity statement, filed on 21 March 2011, is deemed to meet the requirements of 37 CFR §1.27. However, pursuant to 37 CFR §1.28(a) and (b)[1], applicant's request for a refund was filed on 27 October

[1] Refunds when small entity status is later established; how errors in small entity status are excused.
(a) *Refunds based on later establishment of small entity status.* A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.
(b) *Date of payment.* (1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid; (2) The date when a deficiency payment is paid in full determines the

2010, after the three month period required by the rule expired. Therefore, applicant's request for refund must be dismissed.

For the reasons above, applicant's request for refund filed 21 March 2011in the amount of $542 is **DISMISSED**.

/Cynthia M. Kratz/

Cynthia M. Kratz

Attorney Advisor

Office of PCT Legal Administration

Telephone: 571-272-3286

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amount of deficiency that is due, pursuant to paragraph (c) of this section.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

27877
KENNAMETAL, INC.
Intellectual Property Department
P.O. Box 231
1600 Technology Way
Latrobe, PA 15650

MAILED

SEP 16 2011

PCT LEGAL ADMINISTRATION

In re Application of
SHARIVKER *et al*
U.S. Application No.: 12/989,925
PCT No.: PCT/US2009/042942
Int. Filing Date: 06 May 2009
Priority Date: 11 May 2008
Docket No.: KG-2518PC-US/0687-103179
For: MILLING TOOL ASSEMBLY HAVING A REPLACEMENT CUTTER

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 30 June 2011.

BACKGROUND

On 15 February 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 30 June 2011, applicants 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 two-month extension fee; and documentary evidence in support of the petition (Exhibits A - E).

DISCUSSION

Applicants claim that co-inventor, Vladimir D. VOLOKH, refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a) in response to the Form PCT/DO/EO/905.

It is first noted that a three-month extension fee is required.[1] The difference has been charged to Deposit Account No. 23-0650 as authorized.

---

[1] The two-month extension period expired on 15 June 2011.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor.

Applicants submitted a $200.00 petition fee. The last known address of the nonsigning inventor was provided. A declaration signed by four of the five named inventors was provided. This declaration complies with 37 CFR 1.497(a) and (b) and satisfies the requirements of section 409.03(a) of the MPEP.

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.

Regarding item (2), a review of the evidence shows that a complete copy of the subject application and a copy of the declaration was provided to the nonsigning inventor by email on 24 May 2011. The email response sent by by Mr. VOLOKH dated 25 May 2011 (Exhibit D) shows that Mr. VOLOKH received these documents and it constitutes a written refusal to cooperate as contemplated by MPEP § 409.03(d)(II). This is sufficient to satisfy item (2) of 37 CFR 1.47(a).

All items of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is hereby **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 06 May 2009 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 30 June 2011.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES 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. Vladimir D. Volokh
21 Havazelet
Maalot
24952 Israel

MAILED
SEP 16 2011
PCT LEGAL ADMINISTRATION

In re Application of
SHARIVKER *et al*
U.S. Application No.: 12/989,925
PCT No.: PCT/US2009/042942
Int. Filing Date: 06 May 2009
Priority Date: 11 May 2008
Docket No.: KG-2518PC-US/0687-103179
For: MILLING TOOL ASSEMBLY HAVING A REPLACEMENT CUTTER

Dear Mr. Volokh:

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

KENNAMETAL, INC.
Intellectual Property Department
P.O. Box 231
1600 Technology Way
Latrobe, PA 15650

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ELECTRO SCIENTIFIC
INDUSTRIES/STOEL RIVES, LLP
900 SW FIFTH AVE
SUITE 2600
PORTLAND OR 97204-1268

MAILED

NOV 30 2011

OFFICE OF PETITIONS

In re Application of :
BOYLE *et al* :
Application No.: 12/989,937 :
PCT No.: PCT/EP2009/055274 :
Int. Filing Date: 30 April 2009 :
Priority Date: 30 April 2008 :
Atty. Docket No.: 42135/11:1 :
For: DICING A SEMICONDUCTOR :
WAFER :

DECISION

This is a decision on applicants' "PETITION UNDER 37 CFR § 1.47(a)," filed in the U.S. Patent and Trademark Office (USPTO) on 09 August 2011, which requests that the application be accepted without the signature of a joint inventor, Joseph Callaghan, on the grounds that he refuses to execute the application. The petition is **GRANTED** as discussed below.

A review of the application file reveals that the present petition was accompanied by, *inter alia*, an acceptable showing of inventor Callaghan's refusal. Therefore the requirements of 37 CFR 1.47(a) have now been satisfied.

A further review of the application file reveals that the requirements for entry into the national stage in the U.S. under 35 U.S.C. 371 have also now been satisfied.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at the last known address of record as set forth in the present papers, and a notice of the filing of the application under 37 CFR 1.47(a) will be published in the *Official Gazette*.

The application has an international filing date of 30 April 2009, under 35 U.S.C. 363 and a date of **09 August 2011**, under 35 U.S.C. 371(c).

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

(571)272-3231

Conferee: Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
PO BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

JOSEPH CALLAGHAN
126 GREEG COURT
DUBLIN 1
IRELAND

MAILED

NOV 30 2011

OFFICE OF PETITIONS

In re Application of
BOYLE *et al*
Application No.: 12/989,937
PCT No.: PCT/EP2009/055274
Int. Filing Date: 30 April 2009
Priority Date: 30 April 2008
Atty. Docket No.: 42135/11:1
For: DICING A SEMICONDUCTOR WAFER

NOTIFICATION

Dear Joseph Callaghan:

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 1.497.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

(571)272-3231

Conferee:

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an national stage application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signatures of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventors. The inventor whose signature is missing (Joseph Callaghan) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.497. The international application number is PCT/EP2009/055274 and was filed on 30 April 2009, in the names of Adrian Boyle, Joseph Callaghan, and Fintan McKiernan for the invention entitled DICING A SEMICONDUCTOR WAFER. The national stage application number is 12/989,937 and has a 35 U.S.C. 371(c) date of 09 August 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.
12/989,939	01/21/2011	Mikio Iwamura	17470/098001	4067

22511 7590 06/27/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
VU, KIM Y

ART UNIT	PAPER NUMBER
2435	

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: OITAIRA, HITOSHI et al.
Application No. 12989939
Filed: January 21, 2011
For: **MOBILE COMMUNICATION METHOD**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 27, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NEIFLED IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA, VA 22304

MAILED

JUL 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Sigurd F. Schmidt	:	
Application No. 12/989,955	:	DECISION ON PETITION
Filed: October 27, 2010	:	TO WITHDRAW
Attorney Docket No. MART0013-1	:	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 June 22, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Richard Neifeld on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed April 28, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **C-Bond Technology**
735 Northmount Drive NW
Calgary, Canada T2K 3K1

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/989,955	10/27/2010	Sigurd F. Schmidt	MART0013-1

CONFIRMATION NO. 4513

POWER OF ATTORNEY NOTICE

31518
NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA, VA 22304

OC000000048736295

Date Mailed: 07/13/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/22/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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:	12989959	Filing date:	October 28, 2010
First Named Inventor:	Prabhakar Kondaji Jadhav		
Title of the Invention:	Tetrahydrocyclopenta[b]indole Androgen Receptor Modulators		

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/US09/43875

The international filing date of the corresponding PCT application(s) is/are: May 14, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [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.:	12989959
First Named Inventor:	Prabhakar Kondaji Jadhav

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 28, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on October 28, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same
2	2	Same
3	3	Same
4	4	Same
5	5	Same
6	6	Same
8	8	Multiple dependency removed from US claims
9	9	Same
10	10	Same
11	11	Same
14	14	Multiple dependency removed from US claims
15	15	Same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Elizabeth A. Dingess-Hammond/	Date 2011-10-14
Name (Print/Typed) Elizabeth A. Dingess-Hammond	Registration Number 63996

Privacy Act Statement

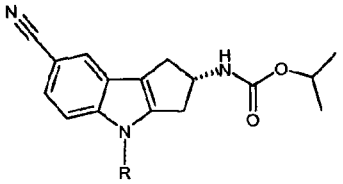
The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection 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.

We Claim:

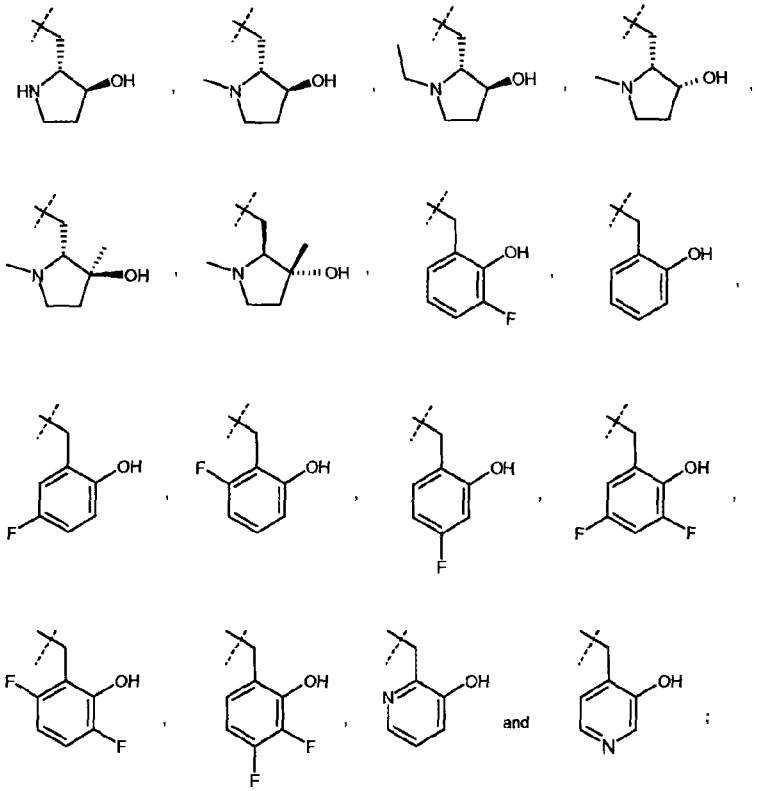
1. A compound of Formula (I):



Formula (I)

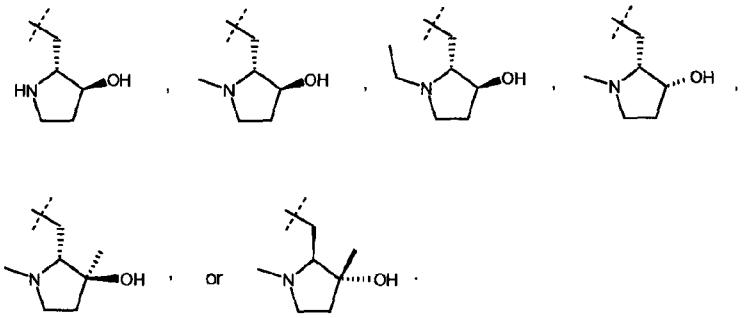
wherein,

R represents a substitutent selected from the group consisting of

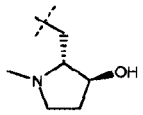


or a pharmaceutically acceptable salt thereof.

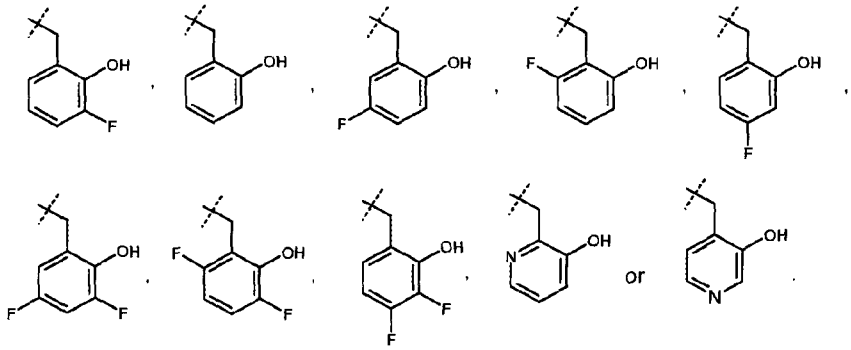
2. The compound or salt according to Claim 1 wherein R represents



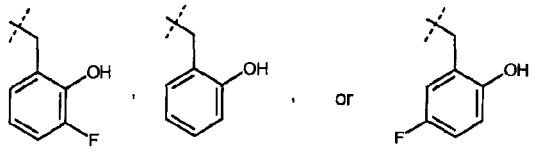
3. The compound or salt according to Claim 2 wherein R represents



4. The compound or salt according to Claim 1 wherein R represents



5. The compound or salt according to Claim 4 wherein R represents



6. A compound according to Claim 1 selected from the group consisting of [(*S*)-7-Cyano-4-((2*R*,3*S*)-3-hydroxy-1-methyl-pyrrolidin-2-ylmethyl)-1,2,3,4-tetrahydro-cyclopenta[b]indol-2-yl]-carbamic acid isopropyl ester, [(*S*)-7-cyano-4-(3-fluoro-2-

hydroxybenzyl)-1,2,3,4-tetrahydrocyclopenta[b]indol-2-y]-carbamic acid isopropyl ester, [(*S*)-7-Cyano-4-(2-hydroxy-benzyl)-1,2,3,4-tetrahydro-cyclopenta[b]indol-2-yl]-carbamic acid isopropyl ester, and [(*S*)-7-Cyano-4-(5-fluoro-2-hydroxy-benzyl)-1,2,3,4-tetrahydro-cyclopenta[b]indol-2-yl] carbamic acid isopropyl ester, or a pharmaceutically acceptable salt thereof.

7. A compound or salt according to any one of Claims 1-6 for use in therapy.

8. A method of treating or preventing reduced bone mass or density, osteoporosis, osteopenia, reduced muscle mass or strength, or erectile dysfunction, comprising administering to a patient in need thereof a compound or salt according to any one of Claims 1-6.

9. The method according to Claim 8 for treating or preventing reduced bone mass or density, osteoporosis, osteopenia, reduced muscle mass or strength induced by immobilization, disuse or trauma, or erectile dysfunction.

10. The method according to Claim 9 for treating or preventing erectile dysfunction.

11. The method according to Claim 10 further comprising administering to said patient a compound selected from the group consisting of tadalafil, sildenafil citrate, and vardenafil hydrochloride.

12. A compound or salt according to any one of Claims 1-6 for use in the treatment or prevention of reduced bone mass or density, osteoporosis, osteopenia, reduced muscle mass or strength, or erectile dysfunction.

13. The use of a compound or salt according to any one of Claims 1-6 for the manufacture of a medicament for the treatment of reduced bone mass or density, osteoporosis, osteopenia, reduced muscle mass or strength, or erectile dysfunction.

14. A pharmaceutical composition comprising a compound or salt according to any one of Claims 1-6 in combination with one or more pharmaceutically acceptable carriers, diluents, or excipients.

15. The composition according to Claim 14 further comprising a compound selected from the group consisting of tadalafil, sildenafil citrate, and vardenafil hydrochloride.

PCT/US2009/043875

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:

WILSON, Alexander
Eli Lilly And Company
Patent Division
P. O. Box 6288
Indianapolis, IN 46206-6288
ETATS-UNIS D'AMERIQUE

Date of mailing *(day/month/year)* 25 November 2010 (25.11.2010)	
Applicant's or agent's file reference X17700	**IMPORTANT NOTICE**

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/043875	14 May 2009 (14.05.2009)	16 May 2008 (16.05.2008)

Applicant
ELI LILLY AND COMPANY 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 Agnes Wittmann-Regis e-mail: pt06.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 X17700	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2009/043875	International filing date *(day/month/year)* 14 May 2009 (14.05.2009)	Priority date *(day/month/year)* 16 May 2008 (16.05.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant ELI LILLY AND COMPANY		

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 6 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☒	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☒	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 17 November 2010 (17.11.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Agnes Wittmann-Regis e-mail: pt06.pct@wipo.int

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/US2009/043875	14.05.2009	16.05.2008

International Patent Classification (IPC) or both national classification and IPC
INV. C07D209/94 C07D401/06 C07D403/06 A61K31/403 A61K31/4439 A61P5/26 A61P19/10 A61P21/00

Applicant
ELI LILLY AND COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Brandstetter, T Telephone No. +49 89 2399-5847

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/043875

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☒ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☒ on paper

   ☒ in electronic form

   c. time of filing/furnishing:

   ☒ contained in the international application as filed.

   ☒ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-15
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-15
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-15
	No:	Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43*bis*.1 and 70.9)

see form 210

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: WO 2007/002181

2.1. The present application refers to 7-cyano-1,2,3,4-tetrahydrocyclopenta[b]indol-2-yl]carbamic acid isopropyl esters of formula (I), pharmaceutical compositions comprising them, and their use in therapy, for treating or preventing reduced bone mass or density, osteoporosis, osteopenia, reduced muscle mass or strength, or erectile dysfunction.

2.2. Compounds of formula (I) have not been disclosed in the prior art and the subject matter of claim 1 is therefore new (Article 33(2) PCT).
All other claims refer to said new compounds and therefore also meet the requirements of the PCT with respect to novelty.

3.1. The document D1 is regarded as being the closest prior art to the subject-matter of the present application, and shows (the references in parentheses applying to this document): tetrahydrocarbazoles of formula I, which are androgen receptor ligands (p. 21, line 19-21), pharmaceutical compositions comprising them (claim 35), and their use in therapy (claim 37), for treating reduced bone mass or density, osteoporosis, osteopenia, reduced muscle mass or strength, or erectile dysfunction (claim 33).

3.2. The tetrahydrocyclopenta[b]indoles of the present application differ by one methylene unit in ring size from this known tetrahydrocarbazoles.

3.3. The problem to be solved by the present invention may be regarded as the provision of further androgen receptor ligands for use in therapy, for treating or preventing reduced bone mass or density, osteoporosis, osteopenia, reduced muscle mass or strength, or erectile dysfunction. It has been solved by the provision of the compounds of the present invention, which show EC_{50} in the C2C12 AR/ARE reporter assay of < 2 µM (see p. 23, line 11-12).

3.4. The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: Tetrahydrocyclopenta[b]indoles have neither been proposed as androgen receptor modulators in the prior art, nor was it obvious for a person skilled in the art that starting from D1 the structural change from an indole system condensed to a cyclohexene to an indole system condensed to a cyclopentene would solve the problem of providing further androgen receptor modulators.

4. Claims 8-11 relate to a subject-matter considered by this Authority to be covered by the provision of Rule 39.1(iv)/67.1(iv) PCT.
The patentability can be dependent upon the formulation of the claims. The EPO, for example, does not recognise as patentable claims to the use of a compound in medical treatment, but may allow claims to a product, in particular substances or compositions for use in a first or further medical treatment.

Re Item VI
Certain documents cited

D2: WO 2008/063867

Document D2 discloses (the references in parentheses applying to this document) 1,2,3,4-tetrahydrocyclopenta[b]indoles of formula (I), pharmaceutical compositions comprising them (claim 22), and their use in therapy (claim 17), for treating reduced bone mass or density, osteoporosis, osteopenia, reduced muscle mass or strength, or erectile dysfunction (claim 18). Formula (I) of D2 overlaps with formula (I) of the present application if the residue of the latter are selected as follows: R is (3-hydroxy-2-pyridinyl)methyl or (3-hydroxy-4-pyridinyl)methyl. Furthermore D2 specifically discloses the compound of formula (I) of the present application wherein R is (3-hydroxy-2-pyridinyl)methyl.
If the claimed priority of the present application turns out not to be valid, D2 will become pertinent for novelty and inventive step.

PTO/SB/08a (01-10)
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.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	
Filing Date	
First Named Inventor	Prabhakar Kondaji Jadhav
Art Unit	
Examiner Name	
Attorney Docket Number	X-17700

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	4988820	US	1991-01-29	Boshagen, et al.	
	2	5204374	US	1993-04-20	Muller, et al.	
	3	5223517	US	1992-06-29	Muller, et al.	
	4	5272161	US	1993-12-21	Niewohner, et al.	
	5	5374647	US	1994-12-20	Bohagen, et al.	
	6	7122570	US	2006-10-17	Koppitz, et al.	

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	
	Filing Date	
	First Named Inventor	Prabhakar Kondaji Jadhav
	Art Unit	
	Examiner Name	
	Attorney Docket Number	X-17700

	1	20050171143	US	2005-08-04	Tanimoto, et al.	
	2	20060074124	US	2006-04-06	Napper, et al.	

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1	07002181	WO		2007-01-04	Eli Lilly and Company		☐
	2	03014082	WO		2003-02-20	Eli Lilly and Company		☐
	3	06089053	WO		2006-08-24	Wyeth		☐
	4	05056527	WO		2005-06-23	Merck Frosst Canada & Co.		☐
	5	06065480	WO		2006-06-22	PCT Therapeutics, Inc.		☐
	6	05092854	WO		2005-10-06	Eli Lilly and Company		☐
	7	07047604	WO		2007-04-26	Elixir Pharmacueticals, Inc.		☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	
	Filing Date	
	First Named Inventor	Prabhakar Kondaji Jadhav
	Art Unit	
	Examiner Name	
	Attorney Docket Number	X-17700

	8	08019825	WO		2008-02-21	Santhera Pharmaceuticals (Schweiz) AG		☐
	9	08063867	WO		2008-05-29	Eli Lilly and Company		☐

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T5
	1	Brown, "Nonsteroidal Selective Androgen Receptors Modulators (SARMs): Designer Androgens with Flexible Structures Provide Clinical Promise," Endocrinology, Vol. 145, No. 12, pgs. 5417-5419 (2004)	☐
	2	Cadillia, et al, "Selective Androgen Receptor Modulators in Drug Discovery: Medicinal Chemistry and Therapeutic Potential," Current Top. Med. Chem., Vol. 6, No. 3, pgs. 245-270 (2006)	☐
	3	Segal, et al., "Therapeutic Potential of the SARMs: Revisiting the Androgen Receptor for Drug Discovery," Exp. Opinion and Invest. Drugs, Vol. 15, No. 4, pgs. 377-387 (2006)	☐
	4	Golob, et al., "Antiestrogenic Activities of 3,8-Dihydroxy-6,11-dihydrobenzo[a]carbazoles with Sulfur-Containing Side Chains," Arch. Pharm. Pharm. Med. Chem., Vol. 33, No. 9, pgs. 305-311 (2000)	☐
	5	Written Opinion of PCT/US2007/083745	☐
	6	Demand of PCT/US2007/083745	☐
	7	Reply to Written Opinion of PCT/US2007/083745	☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	
	Filing Date	
	First Named Inventor	Prabhakar Kondaji Jadhav
	Art Unit	
	Examiner Name	
	Attorney Docket Number	X-17700

	8	IPRP for PCT/US2007/083745	☐
	9	Rejection for US Patent Application No. 11/917398	☐

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	
	Filing Date	
	First Named Inventor	Prabhakar Kondaji Jadhav
	Art Unit	
	Examiner Name	
	Attorney Docket Number	X-17700

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Alexander Wilson/	Date (YYYY-MM-DD)	2010-10-20
Name/Print	Alexander Wilson	Registration Number	45,782

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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 Freedom of Information Act requires disclosure of these record s.

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 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

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FEB 28 2012
OFFICE OF PETITIONS

De Vries & Metman
Overschiestraat 180
Amsterdam 1062 XK NL NETHERLANDS

In re Application of
Marijn Willem De BRUIN et al.
Application No. 12/989,964
Filed: November 24, 2010
Atty. Docket No.: US15157
For: A PROCESS FOR MAKING PERFORATIONS IN A PLASTIC FILM MATERIAL

: DECISION ON REQUEST TO
: PARTICIPATE IN PCT-PPH 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) program and the petition under 37 CFR 1.102(a), filed January 31, 2012, 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 under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application 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; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to Technology Center Art Unit 3724 for action commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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PCT LEGAL ADMINISTRATION

DEMONT & BREYER, LLC
100 COMMONS WAY, STE. 250
HOLMDEL, NJ 07733

In re Application of EHMKE et al
U.S. Application No.: 12/990,018
PCT Application No.: PCT/EP2009/002377
Int. Filing Date: 01 April 2009
Priority Date Claimed: 09 April 2008
Attorney Docket No.: 9771-208US
For: SYSTEM FOR MEASURING LOADS DURING WHEEL/RAIL CONTACT OF RAIL VEHICLES

DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 28 October 2010.

BACKGROUND

On 01 April 2009, applicant filed international application PCT/EP2009/002377, which claimed priority of an earlier Germany application filed 09 April 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 15 October 2009. The thirty-month period for paying the basic national fee in the United States expired on 12 October 2010.

On 13 October 2010, international application PCT/EP2009/002377 became abandoned as to the United States for failure to timely pay the basic national fee.

On 28 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 and a translation of the international application into English must be filed.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-3800

MAILED
JUL 12 2011
PCT LEGAL ADMINISTRATION

In re Application of LE SALVER et al	:	
U.S. Application No.: 12/990,088	:	
PCT Application No.: PCT/EP2009/055144	:	
Int. Filing Date: 28 April 2009	:	
Priority Date Claimed: 30 April 2008	:	DECISION
Attorney Docket No.: 03161.0002112	:	
For: METHOD FOR PREDICTING THE	:	
NOISE/COMFORT PERFORMANCE OF A	:	
VEHICLE TRAVELLING ON UNEVEN GROUND	:	

This is in response to applicant's correspondence filed 05 May 2011, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 28 April 2009, applicant filed international application PCT/EP2009/055144, which claimed priority of an earlier France application filed 30 April 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 05 November 2009. The thirty-month period for paying the basic national fee in the United States expired on 01 November 2010.

On 28 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).

On 09 November 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 05 May 2011, applicant filed the present request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

The declaration indicates that inventor Robert Le Salver is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration fails to state the citizenship of the first inventor as required by 37 CFR 1.497(a)(3).

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED
OCT 21 2011
PCT LEGAL ADMINISTRATION

FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-3800

In re Application of LE SALVER et al	:	
U.S. Application No.: 12/990,088	:	
PCT Application No.: PCT/EP2009/055144	:	
Int. Filing Date: 28 April 2009	:	
Priority Date Claimed: 30 April 2008	:	DECISION
Attorney Docket No.: 03161.0002112	:	
For: METHOD FOR PREDICTING THE	:	
NOISE/COMFORT PERFORMANCE OF A	:	
VEHICLE TRAVELLING ON UNEVEN GROUND	:	

This is in response to applicant's renewed request for status under 37 CFR 1.42 filed 02 September 2011.

BACKGROUND

On 28 April 2009, applicant filed international application PCT/EP2009/055144, which claimed priority of an earlier France application filed 30 April 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 05 November 2009. The thirty-month period for paying the basic national fee in the United States expired on 01 November 2010.

On 28 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).

On 09 November 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 05 May 2011, applicant filed a request for status under 37 CFR 1.42 along with an executed declaration.

On 12 July 2011, this Office mailed a decision dismissing the 04 May 2011 request.

On 02 September 2011, applicant filed a newly executed declaration along with the instant renewed request for status under 37 CFR 1.42.

DISCUSSION

The declaration indicates that inventor Robert Le Salver is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 02 September 2011 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 28 April 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 02 September 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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.
12/990,099	11/10/2010	Yutaka Ito	4605-103121	5686

28289 7590 07/13/2011
THE WEBB LAW FIRM, P.C.
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420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH, PA 15222

EXAMINER
BARRY, CHESTER T

ART UNIT	PAPER NUMBER
1778	

NOTIFICATION DATE	DELIVERY MODE
07/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@webblaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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July 12, 2011 BC

In re application of ITO, YUTAKA et al. Serial No. 12/990,099 Filed: October 28, 2010 For: METHOD AND APPARATUS FOR GENERATING FRESH WATER, AND METHOD AND APPARATUS FOR DESALINATING SEA WATER	: : : : : : : :	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 March 14, 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; 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:
(4): Examination of the U.S. application has begun. A non-final office action was mailed on June 21, 2011.

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). 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 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.

Application No. 12/990,099

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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Harvard University & Medical School
c/o Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston MA 02210-2206

MAILED
APR 20 2011
PCT LEGAL ADMINISTRATION

In re Application of
BOEHM et al.
Application No.: 12/990,102
PCT No.: PCT/US2009/002644
Int. Filing Date: 28 April 2009
Priority Date: 28 April 2008
Attorney Docket No.: H0498.70326US01
For: MICROFLUIDIC DEVICE FOR STORAGE AND WELL-DEFINED ARRANGEMENT OF DROPLETS

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Petition under 37 CFR 1.182" filed 16 March 2011. Applicants are requesting to change the name of the first inventor from Christian Schmitz to Christian BOEHM.

DISCUSSION

In the published international application, the first inventor was identified as Christian Schmitz. On the declaration filed 16 March 2011, this inventor was identified as Christian BOEHM. 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).

Applicants are requesting to change the name of the first inventor from Christian Schmitz to Christian BOEHM. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the first inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure

whereby the change of name was effected, or a certified copy of the court order."

Here, applicant's submission included the required fees, satisfying the petition fee requirement. As for the affidavit requirement, applicant has submitted an "Affidavit of Christian Boehm" regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Christian Boehm as a result of marriage.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for inventor Christian Schmitz to Christian BOEHM is GRANTED.

Based on the above, the declaration filed 16 March 2011 is 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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

PTO/SB/20PCT-EP (05-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:		Filing date:	2010-10-28
First Named Inventor:	Morgan et al.		
Title of the Invention:	Pipe Connector 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/GB09/01341

The international date of the corresponding PCT application(s) is/are: 2009-05-28

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.:	
First Named Inventor:	Morgan 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
1-15	1-15	US claims 1-15 have been amended via a Preliminary
		Amendment for reasons unrelated to patentability.
16	16	US Claim 16 has been canceled without prejudice.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature / Adam M. Treiber /	Date 2010-10-28
Name (Print/Typed) Adam M. Treiber	Registration Number 48000

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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FEB 1 4 2011

BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304

In re application of Morgan et al. Application No. 12/990,124 Filed: October 28, 2010 For: PIPE CONNECTOR DEVICE	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 28, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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: 2/11/11

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:	12/990,130	Filing date:	October 28, 2010
First Named Inventor:	Ryoma OAMI		
Title of the Invention:	VIDEO DESCRIPTOR GENERATION 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/JP2010/000275

The international date of the corresponding PCT application(s) is/are: January 20, 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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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/990,130
First Named Inventor:	Ryoma OAMI

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 28, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 28, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claim 1 is identical to patentable claim 1 of the PCT application.
2	2	Claim 2 is identical to patentable claim 2 of the PCT application.
3	3	Claim 3 is identical to patentable claim 3 of the PCT application, e
4	4	Claim 4 is identical to patentable claim 4 of the PCT application.
5	5	Claim 5 is identical to patentable claim 5 of the PCT application, e
6	6	Claim 6 is identical to patentable claim 6 of the PCT application, e
7	7	Claim 7 is identical to patentable claim 7 of the PCT application, e
8	8	Claim 8 is identical to patentable claim 8 of the PCT application, e
9	9	Claim 9 is identical to patentable claim 9 of the PCT application, e
10	10	Claim 10 is identical to patentable claim 10 of the PCT applicatior
11	11	Claim 11 is identical to patentable claim 11 of the PCT applicatior
12	12	Claim 12 is identical to patentable claim 12 of the PCT applicatior
13	13	Claim 13 is identical to patentable claim 13 of the PCT applicatior
14	14	Claim 14 is identical to patentable claim 14 of the PCT applicatior
15	15	Claim 15 is identical to patentable claim 15 of the PCT applicatior
16	16	Claim 16 is identical to patentable claim 16 of the PCT applicatior
17	17	Claim 17 is identical to patentable claim 17 of the PCT applicatior
18	18	Claim 18 is identical to patentable claim 18 of the PCT applicatior
19	19	Claim 19 is identical to patentable claim 19 of the PCT applicatior

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Howard L. Bernstein/	Date November 11, 2010
Name (Print/Typed) Howard L. Bernstein	Registration Number 25,665

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/990,130	10/28/2010	Ryoma Oami	Q121346	5941

23373 7590 06/28/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
06/28/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of: Oami et al.
Application No. 12/990,130
Filed: October 28, 2010
For: VIDEO DESCRIPTOR GENERATION DEVICE

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

JUN 28 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 11, 2010, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product. 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) For petitions to make special filed with a PPH request *on or after* May 25, 2010, the USPTO has eliminated the fee. Petitions to make special filed with a PPH request **prior** *to* May 25, 2010 will be treated under 37 CFR 1.102(d) and the petition fee set forth in 37 CFR 1.17(h) **will** be required. (see Fed. Reg. vol. 75, No. 100, dated 05/25/10).

(9) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400

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Alexandria, VA 22313-1450
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MAILED

MAR 07 2011

PCT LEGAL ADMINISTRATION

AMGEN INC.
MAIL STOP 28-2-C
ONE AMGEN CENTER DRIVE
THOUSAND OAKS CA 91320-1799

In re Application of	:	
FOLTZ, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/990,137	:	
PCT No.: PCT/US2009/002606	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 28 April 2009	:	
Priority Date: 01 May 2008	:	
Atty Docket No.: A-1419-US-PCT	:	
For: ANTI-HEPCIDIN ANTIBODIES AND	:	
METHODS OF USE	:	

This decision is in response to applicant's petition under 37 CFR 1.497(d) filed 11 February 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 28 April 2009, applicant filed international application PCT/US2009/002606 which claimed priority to a previous application filed 01 May 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 01 November 2010.

On 28 October 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, among other items, the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 15 November 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 11 February 2011, applicant filed the present petition and declaration accompanied by a petition for a one-month extension of time and payment of the appropriate extension of time fee. The response is timely filed.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

This application has an international application filing date of 28 April 2009 and will be given a date of **11 February 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

MAILED

DEC 03 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	
INGRAM	:	
Application No.: 12/990,147	:	
PCT No.: PCT/ES2009/000047	:	DECISION ON PETITION
Int. Filing Date: 30 January 2009	:	
Priority Date: 01 February 2008	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 7028-1001	:	
For: SPACE ENCLOSURE SYSTEM	:	

The petition to revive under 37 CFR 1.137(b) filed 28 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" satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/990,150		Hiroaki Yamagishi	17470/100001	6075

22511 7590 12/14/2010
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
12/14/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
buta@oshaliang.com
hathaway@oshaliang.com

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
YAMAGISHI, HIROAKI et al.	:	DECISION ON REQUEST TO
Application No. 12/990,150	:	PARTICIPATE IN PATENT
Filed: October 28, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 17470/100001	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 28, 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 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.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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HONIGMAN MILLER SCHWARTZ & COHN LLP
38500 WOODWARD AVENUE
SUITE 100
BLOOMFIELD HILLS MI 48304-5048

MAILED

NOV 02 2010

PCT LEGAL ADMINISTRATION

In re Application of
KANAPUR et al.
Application No.: 12/990,172
PCT No.: PCT/US2009/035295
Int. Filing Date: 26 February 2009
Priority Date: 26 February 2008
Attorney Docket No.: 221478-303892
For: SYSTEM AND METHOD FOR TRANSFERRING DIGITAL MEDIA

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 28 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 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
Fax: (571) 273-0459

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2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED
JAN 06 2012
PCT LEGAL ADMINISTRATION

In re Application of	:	
HAN, et al.	:	
PCT No.: PCT/KR2009/002205	:	DECISION ON PETITION
Application No.: 12/990,177	:	
Int. Filing Date: 28 April 2009	:	UNDER 37 CFR 1.47(a)
Priority Date: 29 April 2008	:	
Atty. Docket No.: Q121452	:	
For: NEGATIVE ELECTRODE ACTIVE MATERIAL FOR LITHIUM SECONDARY BATTERY, PREPARATION METHOD OF THE SAME, AND LITHIUM SECONDARY BATTERY CONTAINING THE SAME	:	

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 08 June 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 28 April 2009, applicant filed international application PCT/KR2009/002205 which claimed priority to an earlier application filed 29 April 2008. A copy of the international application was communicated from the International Bureau (IB) to the United States on 05 November 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 29 October 2010.

On 28 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, an English translation of the international application as filed, an Information Disclosure Statement and a preliminary amendment.

On 12 November 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 08 June 2011, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a five-month extension of time and payment of the appropriate extension of time fee. The response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 28 April 2009 under 35 U.S.C. 363, and will be given a date of **08 June 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
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Mr. Jong-Sung Kim
Vitzrocell, 3rd Floor Vitzro Bld.
241 Gunja-dong, Gwangjin-gu
Seoul 143-837
REPUBLIC OF KOREA

MAILED
JAN 06 2012
PCT LEGAL ADMINISTRATION

In re Application of
HAN, et al.
PCT No.: PCT/KR2009/002205
Application No.: 12/990,177
Int. Filing Date: 28 April 2009
Priority Date: 29 April 2008
Atty. Docket No.: Q121452
For: NEGATIVE ELECTRODE ACTIVE MATERIAL FOR LITHIUM SECONDARY BATTERY, PREPARATION METHOD OF THE SAME, AND LITHIUM SECONDARY BATTERY CONTAINING THE SAME

Dear Mr. Kim:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. 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:
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W., SUITE 800
WASHINGTON DC 20037
UNITED STATES OF AMERICA

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mr. Chul Youm
Samsung SDI, 508 Seongseong-dong
Seobuk-gu, Cheonan
Chungcheongnam-do 331-300
REPUBLIC OF KOREA

MAILED
JAN 06 2012
PCT LEGAL ADMINISTRATION

In re Application of
HAN, et al.
PCT No.: PCT/KR2009/002205
Application No.: 12/990,177
Int. Filing Date: 28 April 2009
Priority Date: 29 April 2008
Atty. Docket No.: Q121452
For: NEGATIVE ELECTRODE ACTIVE MATERIAL FOR LITHIUM SECONDARY BATTERY, PREPARATION METHOD OF THE SAME, AND LITHIUM SECONDARY BATTERY CONTAINING THE SAME

Dear Mr. Youm:

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:
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W., SUITE 800
WASHINGTON DC 20037
UNITED STATES OF AMERICA

UNITED STATES 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. Jung-Min Han
LG Chemical Development Corp.
Munji-dong, Yuseong-gu,
Daejeon 305-738
REPUBLIC OF KOREA

MAILED

JAN 06 2012

PCT LEGAL ADMINISTRATION

In re Application of
HAN, et al.
PCT No.: PCT/KR2009/002205
Application No.: 12/990,177
Int. Filing Date: 28 April 2009
Priority Date: 29 April 2008
Atty. Docket No.: Q121452
For: NEGATIVE ELECTRODE ACTIVE MATERIAL FOR LITHIUM SECONDARY BATTERY, PREPARATION METHOD OF THE SAME, AND LITHIUM SECONDARY BATTERY CONTAINING THE SAME

Dear Mr. Han:

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:
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W., SUITE 800
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UNITED STATES OF AMERICA

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:	2010.10.26
First Named Inventor:	Pavel Izikson		
Title of the Invention:	Substrate Matrix To Decouple Tool And Process Effects		

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/US2009/044594

The international date of the corresponding PCT application(s) is/are: 2009.05.20

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.:	
First Named Inventor:	Pavel Izikson

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on 2010.10.28

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

Have already been filed in the above-identified U.S. application on 2010.10.28

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	identical claims

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/rwbarnesjr/	Date	2010.10.28
Name (Print/Typed)	Rick Barnes	Registration Number	39,596

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/990,183	10/28/2010	Pavel Izikson	64320.US	6396

60838 7590 01/26/2011
LNG/KLA JOINT CUSTOMER
C/O LUEDEKA, NEELY & GRAHAM, P.C.
P.O. BOX 1871
KNOXVILLE, TN 37901

EXAMINER

ART UNIT	PAPER NUMBER
2882	

NOTIFICATION DATE	DELIVERY MODE
01/26/2011	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):

cwilliams@Lng-patent.com
sharden@Lng-patent.com
Rick@TheBarnesHome.com

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LNG/KLA JOINT CUSTOMER
C/O LUEDEKA, NEELY & GRAHAM, P.C.
P.O. BOX 1871
KNOXVILLE TN 37901

In re Application of	**: DECISION ON REQUEST TO**
IZIKSON et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/990,183	**: PROSECUTION HIGHWAY**
Filed: 28 October 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 64320.US	**: TO MAKE SPECIAL UNDER**
For: SUBSTRATE MATRIX TO DECOUPLE TOOL AND PROCESS EFFECTS	**: 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 28 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 disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2
CANADA

MAILED
SEP 26 2011
PCT LEGAL ADMINISTRATION

In re Application of Jackson Application No.: 12/990,216 PCT No.: PCT/CA2009/000563 Int. Filing Date: 28 April 2009 Priority Date: 29 April 2008 Attorney Docket No.: 12963-27 For: Multi-Speed Hydraulic Jack	: : : : : : : :	DECISION

This is in response to the declaration filed on 11 May 2011, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 28 April 2009, claimed a priority date of 29 April 2008, and designated the United States. On 05 November 2009, the International Bureau transmitted a copy of the published international application to the USPTO. The 30-month period for payment of the basic national fee in the U.S. expired as of midnight on 29 October 2010. Applicants filed *inter alia* the basic national fee on 28 October 2010.

On 15 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

Inspection of the declaration filed on 11 May 2011 reveals that it indicates that inventor George W. Jackson is deceased. 37 CFR 1.42 provides in part that

> 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.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the 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 the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

Further review of the declaration filed on 11 May 2011 reveals that it has been signed on behalf of George W. Jackson by David G. Jackson in the capacity of "legal representative." The declaration lists residence, citizenship and postal address information for both the decedent and the legal representative. This declaration is accepted under 37 CFR 1.42, for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The declaration filed on 11 May 2011 is **ACCEPTED** under 37 CFR 1.42, without prejudice.

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 **11 May 2011**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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NOV 02 2010

PCT LEGAL ADMINISTRATION

COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary NC 27518

In re Application of
KULYK et al.
Application No.: 12/990,222
PCT No.: PCT/SE2008/050437
Int. Filing Date: 17 April 2008
Priority Date: None
Attorney Docket No.: 4015-7193 / P23559-US1
For: COVERSATIONAL INTERACTIVITY MEASUREMENT AND ESTIMATION FOR REAL-TIME MEDIA

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 29 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 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
Fax: (571) 273-0459

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NOV 29 2010

PCT LEGAL ADMINISTRATION

COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary NC 27518

In re Application of	:	
HJELM, et al.	:	DECISION ON PETITION
Application No.: 12/990,237	:	
PCT No.: PCT/SE2008/050444	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 18 April 2008	:	
Priority Date: None	:	
Atty. Docket No.: 4015-7094/P24238-US1	:	
For: METHOD AND SYSTEM FOR DISTRIBUTING	:	
LICENSED MULTIMEDIA FILES	:	

The petition to revive under 37 CFR 1.137(b) filed 29 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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JAN 3 1 2011

PCT LEGAL ADMINISTRATION

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of	:	
KRAUS et al.	:	DECISION
Application No.: 12/990,259	:	
PCT No.: PCT/EP2009/002047	:	
Int. Filing Date: 19 March 2009	:	
Priority Date: 30 April 2008	:	
Attorney's Docket No.: 106506.62955US	:	
For: APPARATUS FOR STIMULATING	:	
A HEALING PROCESS	:	

This decision is in response to applicants' submission filed 07 January 2011, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 19 March 2009, applicants filed international application PCT/EP2009/002047 which designated the U.S. and claimed a priority date of 30 April 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 November 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 November 2010 (30 October 2010 being a Saturday).

On 29 October 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 10 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 January 2011, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

The declaration filed 07 January 2011 is not sufficient because it contains non-initialed alterations (the name of Stephanie KRAUS). 37 CFR 1.52(c). "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated." MPEP § 605.04(a). Item I.

Additionally, the non-initialed alterations change the second inventor's name from Stephanie KRAUS to Stephanie KRAUS-GEIGES. 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).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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MAY 16 2011

PCT LEGAL ADMINISTRATION

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of	:	
KRAUS et al.	:	DECISION
Application No.: 12/990,259	:	
PCT No.: PCT/EP2009/002047	:	
Int. Filing Date: 19 March 2009	:	
Priority Date: 30 April 2008	:	
Attorney's Docket No.: 106506.62955US	:	
For: APPARATUS FOR STIMULATING	:	
A HEALING PROCESS	:	

This decision is in response to applicants' submission filed 07 January 2011, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 19 March 2009, applicants filed international application PCT/EP2009/002047 which designated the U.S. and claimed a priority date of 30 April 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 November 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 November 2010 (30 October 2010 being a Saturday).

On 29 October 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 10 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 January 2011, applicants filed a submission, including a declaration of inventors, which was properly treated as a petition under 37 CFR 1.181.

On 31 January 2011, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.181. The decision noted that the declaration filed 07 January 2011 included non-initialed alterations, that the non-initialed alterations change the second inventor's name from Stephanie KRAUS to Stephanie KRAUS-GEIGES, and that 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.

On 23 March 2011, applicants filed the instant submission which includes a new declaration of inventors and a 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 has been paid.

With regard to item (2), the statement of Stephanie KRAUS-GEIGES is a statement setting forth both names (Stephanie KRAUS and Stephanie KRAUS-GEIGES) and the procedure (marriage) whereby the change of name was effected. The statement is accepted.

Declaration of Inventors

The declaration of inventors filed 23 March 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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JAN 11 2011

PCT LEGAL ADMINISTRATION

LUNDBECK RESEARCH USA, INC.
ATTENTION: STEPHEN G. KALINCHAK, LEGAL
215 COLLEGE ROAD
PARAMUS NJ 07652

In re Application of	:	
MUNCK PETERSEN et al.	:	
Application No.: 12/990,289	:	DECISION
PCT No.: PCT/DK2009/050098	:	
Int. Filing Date: 27 April 2009	:	
Priority Date: 27 April 2008	:	
Attorney's Docket No.: 0725-US-PCT	:	
For: DESIGN AND USE OF SORTILIN SPECIFIC	:	
MOLECULAR IMAGING LIGANDS	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 29 October 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 April 2009, applicants filed international application PCT/DK2009/050098, which designated the U.S. and claimed a priority date of 27 April 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 05 November 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 October 2010.

On 29 October 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition to revive under 37 CFR 1.137(b).

On 17 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, additional claim fees were due or the additional claims must be canceled, and that Sequence Listing requirements needed to be met. The Notification set a TWO (2) MONTH extendable time period for response.

On 19 November 2010, applicants filed a response to the NOTIFICATION OF MISSING REQUIREMENTS.

On 07 December 2010, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was still required

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 submitted on 29 October 2010.

As to item (2), applicant submitted the petition fee on 29 October 2010.

As to item (3), the required statement has been provided.

Notification of Missing Requirements and Notification of Defective Response

The NOTIFICATION OF MISSING REQUIREMENTS issued 17 November 2010 and the NOTIFICATION OF DEFECTIVE RESPONSE issued 07 December 2010 were issued prematurely, i.e., before the decision on applicant's petition to revive the application under 37 CFR 1.137(b) had been granted. Accordingly, these Notifications are hereby VACATED.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF MISSING REQUIREMENTS issued 17 November 2010 is VACATED for the reasons set forth above.

The NOTIFICATION OF DEFECTIVE RESPONSE issued 07 December 2010 is VACATED for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing

and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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NEW YORK NY 10103-3198

MAILED
JUL 19 2011
OFFICE OF PETITIONS

In re Application of :
Roland REICHENBACH-KLINKE et al. :
Application No. 12/990,346 :
Filed: December 7, 2010 :
Attorney Docket No. BASF.P0010US :

ON PETITION

This is a decision on the petition under 37 CFR 1.59(b), filed November 1, 2010, to expunge information from the above identified application.

The petition is **DISMISSED** as moot.

Petitioner requests that an amendment filed November 1, 2010 be expunged from the record, because the amendment was inadvertently filed under application number 12/990,346, while it should have been filed in application number 12/334,876.

A review of the official file finds that the amendment has already been removed and copied into the official file of application number 12/334,876.

As set forth in MPEP 724.05(III):

> Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g., application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

As such, since the amendment has already been removed and copied into the correct application file, the petition is rendered moot and no fee will be charged.

Application No. 12/990,346

Telephone inquiries concerning this decision should be directed to Andre Boyce at (571) 272-6726, or in his absence, the undersigned at (571) 272-7099.

David A. Bucci
Petitions Examiner
Office of Petitions

VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS

Absender: INTERNATIONALE RECHERCHENBEHÖRDE

An:

siehe Formular PCT/ISA/220

PCT

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHENBEHÖRDE

(Regel 43*bis*.1 PCT)

Absendedatum *(Tag/Monat/Jahr)*	siehe Formular PCT/ISA/210 (Blatt 2)
Aktenzeichen des Anmelders oder Anwalts siehe Formular PCT/ISA/220	**WEITERES VORGEHEN** siehe Punkt 2 unten

Internationales Aktenzeichen	Internationales Anmeldedatum *(Tag/Monat/Jahr)*	Prioritätsdatum *(Tag/Monat/Jahr)*
PCT/EP2009/064823	09.11.2009	28.11.2008

Internationale Patentklassifikation (IPC) oder nationale Klassifikation und IPC
INV. B23K20/10

Anmelder
AUTO-KABEL MANAGEMENTGESELLSCHAFT MBH

1. Dieser Bescheid enthält Angaben zu folgenden Punkten:

- ☒ Feld Nr. I — Grundlage des Bescheids
- ☐ Feld Nr. II — Priorität
- ☐ Feld Nr. III — Keine Erstellung eines Gutachtens über Neuheit, erfinderische Tätigkeit und gewerbliche Anwendbarkeit
- ☐ Feld Nr. IV — Mangelnde Einheitlichkeit der Erfindung
- ☒ Feld Nr. V — Begründete Feststellung nach Regel 43*bis*.1 a) i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung
- ☐ Feld Nr. VI — Bestimmte angeführte Unterlagen
- ☐ Feld Nr. VII — Bestimmte Mängel der internationalen Anmeldung
- ☐ Feld Nr. VIII — Bestimmte Bemerkungen zur internationalen Anmeldung

2. **WEITERES VORGEHEN**

Wird ein Antrag auf internationale vorläufige Prüfung gestellt, so gilt dieser Bescheid als schriftlicher Bescheid der mit der internationalen vorläufigen Prüfung beauftragten Behörde ("IPEA"); dies trifft nicht zu, wenn der Anmelder eine andere Behörde als diese als IPEA wählt und die gewählte IPEA dem Internationale Büro nach Regel 66.1*bis* b) mitgeteilt hat, dass schriftliche Bescheide dieser Internationalen Recherchenbehörde nicht anerkannt werden.

Wenn dieser Bescheid wie oben vorgesehen als schriftlicher Bescheid der IPEA gilt, so ist der Anmelder aufgefordert, bei der IPEA vor Ablauf von 3 Monaten ab dem Tag, an dem das Formblatt PCT/ISA/220 abgesandt wurde oder vor Ablauf von 22 Monaten ab dem Prioritätsdatum, je nachdem, welche Frist später abläuft, eine schriftliche Stellungnahme und, wo dies angebracht ist, Änderungen einzureichen.

Weitere Optionen siehe Formblatt PCT/ISA/220.

3. Nähere Einzelheiten siehe die Anmerkungen zu Formblatt PCT/ISA/220.

Name und Postanschrift der Internationalen Recherchenbehörde	Datum der Fertigstellung dieses Bescheids	Bevollmächtigter Bediensteter
Europäisches Patentamt D-80298 München Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	siehe Formular PCT/ISA/210	Concannon, Brian Tel. +49 89 2399-2353

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHEBEHÖRDE

Internationales Aktenzeichen
PCT/EP2009/064823

Feld Nr. I Grundlage des Bescheids

1. Hinsichtlich der **Sprache** beruht der Bescheid auf

   ☒ der internationalen Anmeldung in der Sprache, in der sie eingereicht wurde

   ☐ einer Übersetzung der internationalen Anmeldung in die folgende Sprache , bei der es sich um die Sprache der Übersetzung handelt, die für die Zwecke der internationalen Recherche eingereicht worden ist (Regeln 12.3 a) und 23.1 b)).

2. ☐ Dieser Bescheid wurde erstellt unter Berücksichtigung der **Berichtigung eines offensichtlichen Fehlers**, die nach Regel 91 von dieser Behörde genehmigt wurde bzw. dieser Behörde mitgeteilt wurde (Regel 43bis.1 a)).

3. Hinsichtlich der **Nucleotid- und/oder Aminosäuresequenz**, die in der internationalen Anmeldung offenbart wurde und für die beanspruchte Erfindung erforderlich ist, ist der Bescheid auf folgender Grundlage erstellt worden:

   a. Art des Materials:

   ☐ Sequenzprotokoll

   ☐ Tabelle(n) zum Sequenzprotokoll

   b. Form des Materials:

   ☐ in Papierform

   ☐ in elektronischer Form

   c. Zeitpunkt der Einreichung:

   ☐ in der eingereichten internationalen Anmeldung enthalten

   ☐ zusammen mit der internationalen Anmeldung in elektronischer Form eingereicht

   ☐ bei der Behörde nachträglich für die Zwecke der Recherche eingereicht

4. ☐ Wurden mehr als eine Version oder Kopie eines Sequenzprotokolls und/oder einer dazugehörigen Tabelle eingereicht, so sind zusätzlich die erforderlichen Erklärungen, dass die Information in den nachgereichten oder zusätzlichen Kopien mit der Information in der Anmeldung in der eingereichten Fassung übereinstimmt bzw. nicht über sie hinausgeht, vorgelegt worden.

5. Zusätzliche Bemerkungen:

Feld Nr. V Begründete Feststellung nach Regel 43*bis*.1 a) i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1. Feststellung

Neuheit	Ja:	Ansprüche	1-15
	Nein:	Ansprüche	
Erfinderische Tätigkeit	Ja:	Ansprüche	1-15
	Nein:	Ansprüche	
Gewerbliche Anwendbarkeit	Ja:	Ansprüche:	1-15
	Nein:	Ansprüche:	

2. Unterlagen und Erklärungen:

siehe Beiblatt

Zu Punkt V

Begründete Feststellung hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1 Kein einschlägiger Stand der Technik als der in der Beschreibung anerkannte (Seite 1, Zeilen 12 - 23) wurde ermittelt.

2 Die Gegenstände der Ansprüche 1 und 14 unterscheiden sich von dem anerkannten Stand der Technik durch ihre Kennzeichen.

Damit wird ein Verfahren zur Herstellung einer Verbindung sowie eine Verbindung vorgeschlagen, mit welchen Aluminiumlitzenleiter mit Anschlussteilen in axial definierten Positionen sicher miteinander verbunden werden können.

3 Die Ansprüche 2 - 13 und 15 sind abhängig von Anspruch 1.

PW/PW 080830WO
5. November 2009

Patentansprüche

1. Verbindung eines Aluminiumlitzenleiters mit einem Anschlussteil, mit
   - einem abisolierten Ende (4) des Aluminiumlitzenleiters (2), und
   - einem mit dem abisolierten Ende (4) des Aluminiumlitzenleiters (2) stoffschlüssig verbundenem metallischen Anschlussteil (10),

   dadurch gekennzeichnet,
   - dass eine Stirnseite des abisolierten Endes (4) des Aluminiumlitzenleiters (2) mit dem Anschlussteil (10) mittels torsionalem Ultraschallschweißen verschweißt ist.

2. Verbindung nach Anspruch 1, **dadurch gekennzeichnet,** dass ein das abisolierte Endes (4) des Aluminiumlitzenleiters (2) umschließendes Verpressteil (8) die Aluminiumlitzen (6) zu einem Bündel verpresst.

3. Verbindung nach Anspruch 2, **dadurch gekennzeichnet,** dass das Verpressteil (8) derart gebildet ist, dass die Litzen (6) des Aluminiumlitzenleiters (2) im Bereich des Verpressteils (8) frei von Hohlräumen aneinander anliegen.

4. Verbindung nach Anspruch 2, **dadurch gekennzeichnet,** dass eine Stirnseite des abisolierten Endes (4) des Aluminiumlitzenleiters (2) zusammen mit dem Verpressteil (8) mit dem Anschlussteil (10) mittels torsionalem Ultraschallschweißen verschweißt ist.

5. Verbindung nach Anspruch 2, **dadurch gekennzeichnet,** dass das Verpressteil (8) eine Hülse oder ein Splicecrimp ist.

6. Verbindung nach Anspruch 5, **dadurch gekennzeichnet,** dass die Hülse oder der Splicecrimp zur Aufnahme von Stauchkräften eines torsionalen Ultraschallschweißwerkzeuges (18) gebildet ist.

7. Verbindung nach Anspruch 2, **dadurch gekennzeichnet,** dass das Verpressteil (8) eine Aufnahme eines torsionalen Ultraschallschweißwerkzeuges (18) ist.

8. Verbindung nach Anspruch 1 bis 6, **dadurch gekennzeichnet,** dass eine Schweißnaht (8a) zwischen der Stirnseite des abisolierten Endes (4) des Aluminiumlitzenleiters (2) zusammen mit dem Verpressteil (8) und dem Anschlussteil (10) frei von Hohlräumen ist.

9. Verbindung nach einem der vorangehenden Ansprüche, **dadurch gekennzeichnet,** dass das Verpressteil (8) aus Aluminium oder Legierungen davon gebildet ist.

10. Verbindung nach einem der vorangehenden Ansprüche, **dadurch gekennzeichnet,** dass das Anschlussteil (10) ein Flachleiter ist.

11. Verbindung nach einem der vorangehenden Ansprüche, **dadurch gekennzeichnet,** dass das Anschlussteil (10) ein l-förmiger Flachleiter ist, wobei ein Schenkel des Flachleiters mit dem Aluminiumlitzenleiters (2) verbunden ist.

12. Verbindung nach einem der vorangehenden Ansprüche, **dadurch gekennzeichnet,** dass das Anschlussteil (10) ein Rundleiter ist.

13. Verbindung nach Anspruch 11, **dadurch gekennzeichnet,** dass der Aluminiumlitzenleiters (2) mit dem Rundleiter auf Stoss verbunden ist.

14. Verfahren zur Herstellung einer eines Aluminiumlitzenleiters mit einem Anschlussteil, mit
   - Abisolieren eines Endes des Aluminiumlitzenleiters (2), und
   - Stoffschlüssiges Verbinden des abisolierten Endes (4) des Aluminiumlitzenleiters (2) mit einem metallischen Anschlussteil (10),
   dadurch gekennzeichnet,
   - dass eine Stirnseite des abisolierten Endes (4) des Aluminiumlitzenleiters (2) mit dem metallischen Anschlussteil (10) mittels torsionalem Ultraschallschweißen verschweißt wird.

15. Verwendung einer Verbindung nach Anspruch 1 für ein Kraftfahrzeugenergiekabel, insbesondere ein Batteriekabel.

080830US

CERTIFICATE OF ACCURACY

It is stated, that to the best of my knowledge and belief as one competent in the art and conversant with the German and English languages, the enclosed translated Written Opinion is a true and correct translation into the English language.

Philipe Walter

Düsseldorf, March 28, 2011

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/220 (sheet 2)

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/EP2009/064823	09.11.2009	28.11.2008

International Patent Classification (IPC) or both national classification and IPC
INV. B23K20/10

Applicant
AUTO-KABEL MANAGEMENTGESELLSCHAFT MBH

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
European Patent Office D-80298 Munich Facsimile No.	see form PCT/ISA/210	Concannon, Brian Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/064823

Box No. I **Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:
   - [x] the international application in the language in which it was filed.
   - [ ] a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. [ ] This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)
   - [ ] on paper
   - [ ] in electronic form

   b. (time)
   - [ ] in the international application as filed
   - [ ] together with the international application in electronic form
   - [ ] subsequently to this Authority for the purposes of search

4. [ ] In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/064823

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	1-15	YES
	Claims		NO
Inventive step (IS)	Claims	1-15	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations:

I. No applicable prior art despite the one acknowledged in the description (page 1, lines 12-23) has been determined.

II. The subject-matter of claims 1 and 14 differ from the acknowledged prior art by their characterising part.

Thereby a method for producing a connection as well as a connection is proposed, by which stranded aluminium wires can securely be connected with connection parts in axially defined positions.

III. Claims 12-13 and 15 are depended on claim 1.

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:	12/990,348	Filing date:	October 29, 2010
First Named Inventor:	Schloms		
Title of the Invention:	Torsional Ultrasonic Welding		

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/EP2009/064823

The international filing date of the corresponding PCT application(s) is/are: November 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).**

- [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.:	Torsional Ultrasonic Welding
First Named Inventor:	Schloms

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 17, 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 17, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
16-30	1-15	Claims are substantively identical with stylistic changes for US practice

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Justin P. Huddleson, #64,445/	Date March 29, 2011
Name (Print/Typed) Justin P. Huddleson	Registration Number 64,445

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.

080830US

CERTIFICATE OF ACCURACY

It is herewith stated, that the attached claims are an accurate English translation of the claims as filed in the International Application, forming basis of the Written Opinion.

Philipe Walter

Düsseldorf, March 28, 2011

PW/PW 080830WO
05 November 2009

Claims

1. Connection of an aluminium stranded lead to a connection part, comprising
- a stripped end (4) of the aluminium stranded lead (2) and
- a metal connection part (10) which is materially connected to the stripped end (4) of the aluminium stranded lead (2),

characterised in that
- an end face of the stripped end (4) of the aluminium stranded lead (2) is welded to the connection part (10) by means of torsional ultrasonic welding.

2. Connection according to claim 1, characterised in that a compression part (8) which surrounds the stripped end (4) of the aluminium stranded lead (2) compresses the aluminium strands (6) to form a bundle.

3. Connection according to claim 2, characterised in that the compression part (8) is formed in such a way that the strands (6) of the aluminium stranded lead (2) bear against one another in the region of the compression part (8) in a manner free from cavities.

4. Connection according to claim 2, characterised in that an end face of the stripped end (4) of the aluminium stranded lead (2) is welded together with the compression part (8) to the connection part (10) by means of torsional ultrasonic welding.

5. Connection according to claim 2, characterised in that the compression part (8) is a sleeve or a splice crimp terminal.

6. Connection according to claim 5, characterised in that the sleeve or the splice crimp terminal is formed so as to absorb crushing forces of a torsional ultrasonic welding tool (18).

7. Connection according to claim 2, characterised in that the compression part (8) is a holder of a torsional ultrasonic welding tool (18).

8. Connection according to claims 1 to 6, characterised in that a weld seam (8a) between the end face of the stripped end (4) of the aluminium stranded lead (2) together with the compression part (8) and the connection part (10) is free from cavities.

9. Connection according to one of the preceding claims, characterised in that the compression part (8) is formed from aluminium or alloys thereof.

10. Connection according to one of the preceding claims, characterised in that the connection part (10) is a flat lead.

11. Connection according to one of the preceding claims, characterised in that the connection part (10) is an L-shaped lead, wherein one leg of the flat lead is connected to the aluminium stranded lead (2).

12. Connection according to one of the preceding claims, characterised in that the connection part (10) is a round lead.

13. Connection according to claim 11, characterised in that the aluminium stranded lead (2) is butt-connected to the round lead.

14. Method for producing a connection of an aluminium stranded lead to a connection part, which comprises

- stripping one end of the aluminium stranded lead (2) and

- materially connecting the stripped end (4) of the aluminium stranded lead (2) to a metal connection part (10),

characterised in that

- an end face of the stripped end (4) of the aluminium stranded lead (2) is welded to the metal connection part (10) by means of torsional ultrasonic welding.

15. Use of a connection according to claim 1 for a motor vehicle power cable, in particular a battery cable.

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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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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In re Application of
SCHLOMS et al.
Application No.: 12/990,348
Filed: 29 October 2010
Attorney Docket No.: 3129C/124
For: TORSIONAL ULTRASONIC WELDING

: 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 29 March 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
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Electrical & Optical Systems & Components