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

MAILED
MAR 10 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
OMEIS et al	:	
Application No.: 12/990,371	:	
PCT No.: PCT/EP2009/53938	:	
Int. Filing Date: 02 April 2009	:	PAPERS FILED
Priority Date: 30 April 2008	:	
Attorney's Docket No.: 370398US99PCT	:	
For: POLYMER COMPOSITION COMPRISING	:	
PHENOLIC RESIN	:	UNDER 37 CFR 1.42

This is a decision on the declaration filed 10 January 2011, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

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 requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration was submitted at such time.

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 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." It also stated that items set forth above must be submitted within two months from date of mailing or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment."

On 10 January 2011, applicants submitted a responded to the Notice by filing an executed declaration which is signed, *inter alia*, by Elke Fiebig-Bauer as legal representative of the deceased joint inventor Frank Bauer.

DISCUSSION

The executed declaration submitted is signed by Elke Fiebig-Bauer as legal representative of the deceased joint inventor Frank Bauer and it satisfies the requirements under 37 CFR 1.42.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

The submission filed under 37 CFR 1.42 is **ACCEPTED**.

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
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:	12/990,377	Filing date:	October 29, 2010
First Named Inventor:	Fan Ren		
Title of the Invention:	Oxygen and Carbon Dioxide Sensing		

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/US09/43296

The international date of the corresponding PCT application(s) is/are: May 8, 2009

I. List of Required Documents:

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

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

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

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

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

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

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

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

(continued)

Application No.:	12/990,377
First Named Inventor:	Fan Ren

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on November 1, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on November 1, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
2	2	identical, but is now written in independent claim form
3-20	3-20	identical claims
21-22	2	depends on patentable claim 2
23-26	8	depends on patentable claim 8
27-28	13	depends on patentable claim 13
29	14	depends on patentable claim 14
30-32	15	depends on patentable claim 15
33-37	19	depends on patentable claim 19
38-39	20	depends on patentable claim 20

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

Signature Sarah Knight	Date 12-6-2010
Name (Print/Typed) Sarah J. Knight	Registration Number 58,722

RECEIVED

NOV 3 0 2010

PATENT COOPERATION TREATY

PCT/US2009/043296

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:

KNIGHT, Sarah J.
Saliwanchik, Lloyd & Saliwanchik
A Professional Association
P.O. Box 142950
Gainesville, FL 32614-2950
ETATS-UNIS D'AMERIQUE

Date of mailing *(day/month/year)* 18 November 2010 (18.11.2010)	
Applicant's or agent's file reference UF.708CXC1PCT	IMPORTANT NOTICE

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/043296	08 May 2009 (08.05.2009)	09 May 2008 (09.05.2008)

Applicant
UNIVERSITY OF FLORIDA RESEARCH FOUNDATION, INC. 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 Philippe Becamel e-mail: pt12.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference UF.708CXC1PCT	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2009/043296	International filing date *(day/month/year)* 08 May 2009 (08.05.2009)	Priority date *(day/month/year)* 09 May 2008 (09.05.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant UNIVERSITY OF FLORIDA RESEARCH FOUNDATION, INC.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 09 November 2010 (09.11.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Philippe Becamel e-mail: pt12.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
KNIGHT SARAH J.

SALIWANCHIK, LLOYD & SALIWANCHIK A
PROFESSIONAL ASSOCIATION P.O. BOX 142950
GAINESVILLE FL 32614-2950 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**19 NOVEMBER 2009 (19.11.2009)**
Applicant's or agent's file reference UF.708CXC1PC	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/043296	**08 MAY 2009 (08.05.2009)**	09 MAY 2008 (09.05.2008)

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

G01N 27/12(2006.01)i, G01N 33/497(2006.01)i, H01L 21/02(2006.01)i

Applicant

UNIVERSITY OF FLORIDA RESEARCH FOUNDATION, INC. et al

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

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

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

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

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	19 NOVEMBER 2009 (19.11.2009)	CHOI, SOK JIN Telephone No.82-42-481-8472

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/043296

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

   a. type of material
   ☐ a sequence listing
   ☐ table(s) related to the sequence listing

   b. format of material
   ☐ on paper
   ☐ in electronic form

   c. time of filing/furnishing
   ☐ contained in the international application as filed.
   ☐ filed together with the international application in electronic form.
   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additioanl copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/043296

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

1. Statement

Novelty (N)	Claims	2-20	YES
	Claims	1	NO
Inventive step (IS)	Claims	2-20	YES
	Claims	1	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following document from the International Search Report (ISR):

D1: US 7053425 B2

1. Novelty and Inventive Step

1.1 Claims 1-7
D1 is considered to be the closest prior art and discloses the carbon dioxide sensor of claim 1 of the present application. Accordingly, claim 1 is anticipated by D1. Therefore, claim 1 lack novelty and an inventive step under PCT Article 33(2) and (3).

The additional features of claims 2-7 dependent on claim 1 are not disclosed in any of the prior art documents, nor are they obvious to a person skilled in the art by the documents. Accordingly, claims 2-7 are novel and involve an inventive step under PCT Article 33(2) and (3).

1.2 Claims 8-16
The oxygen sensor of claim 8 and the sensor of claim 13 differ from the gas sensor device of D1 in that D1 does not include a high oxygen vacancy and the polymer based solar cell. In addition, this feature is not shown in any other available prior art documents cited in the ISR.

Accordingly, the oxygen sensor of claim 8 and the sensor of claim 13 were not anticipated by any of the documents, nor would they have been obvious by the documents, taken alone or in combination. Therefore, claim 8 and 13 are novel and involve an inventive step under PCT Article 33(2) and (3).

Claims 9-12 and 14-16 are dependent on claim 8 and claim 13. Consequently, claims 9-12 and 14-16 are also considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

1.3 Claims 17-20
The method of detecting oxygen and carbon dioxide in exhaled breath of claims 17, 19 and 20 differ from the gas sensor device of D1 in that D1 does not include the polymer based solar cell. In addition, this feature is not shown in any other available prior art documents cited in the ISR.

--- Continued on Supplemental Box

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of :

Box V

Accordingly, the method of detecting oxygen and carbon dioxide in exhaled breath of claims 17, 19 and 20 were not anticipated by any of the documents, nor would they have been obvious by the documents, taken alone or in combination. Therefore, claims 17, 19 and 20 are novel and involve an inventive step under PCT Article 33(2) and (3).

Claim 18 is dependent on claim 17. Consequently, claim 18 is also considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-20 are industrially applicable under PCT Article 33(4).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/990,377	11/11/2010	Fan Ren	UF.708CXC1	8202

23557 7590 03/23/2011
SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

EXAMINER

ART UNIT	PAPER NUMBER
1777	

NOTIFICATION DATE	DELIVERY MODE
03/23/2011	ELECTRONIC

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

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

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

euspto@slepatents.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

WG

March 22, 2011

In re application of	:	DECISION ON REQUEST TO
Fan Ren et al.	:	PARTICIPATE IN PATENT
Serial No. 12/990,377	:	PROSECUTION HIGHWAY
Filed: November 11, 2010	:	PROGRAM AND
For: OXYGEN AND CARBON DIOXIDE	:	PETITION TO MAKE SPECIAL
SENSING	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 6, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

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

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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KRATZ, QUINTOS & HANSON, LLP
1420 K STREET, N.W.
4TH FLOOR
WASHINGTON, DC 20005

MAILED
JUN 06 2011
PCT LEGAL ADMINISTRATION

In re Application of HATA et al	:	
U.S. Application No.: 12/990,378	:	
PCT Application No.: PCT/JP2008/058340	:	DECISION
Int. Filing Date: 01 May 2008	:	
Priority Date Claimed: none	:	
Attorney Docket No.: 100282	:	
For: VERSATILE DISINFECTANT	:	

This is in response to applicant's correspondence filed 24 March 2011, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 01 May 2008, applicant filed international application PCT/JP2008/058340. 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 29 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 15 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 13 January 2011, applicant filed an executed declaration.

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

On 24 March 2011, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The petition states that the correct spelling of the first inventor's given name is "Tadayo" and that the discrepancy was the result of a typographical error in the international application. The present petition constitutes proper notification to the Office under MPEP 1893.01(e). Applicant's explanation for the error is accepted.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 01 May 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 January 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

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Hamilton DeSanctis & Cha, LLP
3239 El Camino Real, Suite 220
Palo Alto CA 94306

In re Application of GOTTARDI Application No.: 12/990,381 PCT No.: PCT/IB2009/000564 Filing Date: 17 March 2009 Priority Date: 15 April 2008 Attorney's Docket No.: NVB.001470US For: Compositions and... Anticoagulation	DECISION ON PETITION UNDER 37 CFR 1.137(b)

MAILED
DEC 30 2010
PCT LEGAL ADMINISTRATION

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed 29 October 2010.

BACKGROUND

On 17 March 2009, this international application was filed, claiming an earliest priority date of 15 April 2008.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 15 October 2010. This international application became abandoned with respect to the United States at midnight on 15 October 2010 for failure to pay the required basic national fee.

On 29 October 2010, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

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

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

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

DECISION

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

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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NOV 29 2010

PCT LEGAL ADMINISTRATION

COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary NC 27518

In re Application of:
PARKVALL, Stefan, et al.
U.S. Application No.: 12/990,404
PCT No.: PCT/SE2008/000177
International Filing Date: 05 March 2008
Priority Date: 05 March 2008
Attorney Docket No.: NEO7004USU
For: METHOD AND DEVICES FOR PROVIDING ENHANCED SIGNALLING

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 29 October 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/SE2008/000177 became abandoned with respect to the United States at midnight on 05 September 2010 based on applicants' failure to request entry into the national stage in the United States and pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the national stage in the United States and payment of the basic national fee. The petition also includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. It is noted that applicants have not submitted an oath or declaration in compliance with 37 CFR 1.497.

/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

Posz Law Group, PLC
12040 South Lakes Drive
Suite 101
Reston, VA 20191

MAILED

MAR 15 2011

PCT LEGAL ADMINISTRATION

In re Application of ACHILLES, Sven U.S. Application No.: 12/990,412 PCT No.: PCT/EP2009/002840 International Filing Date: 18 April 2009 Priority Date: 02 May 2008 Attorney's Docket No.: 49-080-TN For: AIR PASSENGER SEAT WITH A FASTENING DEVICE FOR FASTENING A CHILD SEAT	:	DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to the "Petition under 37 CFR 1.182 to Correct Inventorship" filed 09 March 2011. Applicants are notifying the Office that the name of the sole inventor is Sven ACHILLES as indicated on the declaration rather than Achilles Sven as indicated on the published international application.

In the published international application, the sole inventor was identified as Achilles Sven. On the declaration filed 14 January 2011, this inventor was identified as Sven ACHILLES. With respect to corrections in an inventor's name, 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.

The present petition confirms that the correct name of the sole inventor is Sven ACHILLES, as listed on the declaration filed herein on 14 January 2011. The petition also

confirms that the incorrect identification of the inventor as Achilles Sven in the international application was the result of an error during the international phase. Finally, the petition included the required petition fee.

The present submission satisfies the requirements for a grantable petition under 37 CFR 1.182 to correct the name of record for the sole inventor from Achilles Sven to Sven ACHILLES. In view of the above correction, the declaration filed on 14 January 2011 is no longer defective for failure to properly identify the inventor of record herein. The declaration may therefore be accepted in compliance with 37 CFR 1.497.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct the name of record is GRANTED.

In view of this correction, the executed declaration filed 14 January 2011 is now acceptable in compliance with 37 CFR 1.497.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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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:	12/990,419	Filing date:	29 October 2010
First Named Inventor:	Steven George SMITH		
Title of the Invention:	METHOD OF INSTALLING A PAVING SYSTEM		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2008/013153 published as WO 2009/134237

The international filing date of the corresponding PCT application(s) is/are: 26 November 2008

I. List of Required Documents:

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

☐ Is attached

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

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

☒ Is attached.

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

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

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

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

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

(continued)

Application No.:	12/990,419
First Named Inventor:	Steven George SMITH

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 29 October 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on 29 October 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-34	1-34	Claims 1-34 in the US application correspond with claims 1-34 in the PCT
		Application. Previously pending claims 35-41 are canceled to ensure
		conformity between claims in the US and the PCT applications.
		Claims 35-41 are canceled without prejudice in the preliminary amendment
		filed on the even date with this petition.

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

Signature	Date May 13, 2011
Name (Print/Typed) Thomas C. Obermark	Registration Number 55,506

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.
12/990,419	11/19/2010	Steven George Smith	2630.002US1	8632

21186 7590 06/21/2011
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER
TROUTMAN, MATTHEW D

ART UNIT	PAPER NUMBER
3671	

NOTIFICATION DATE	DELIVERY MODE
06/21/2011	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

UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 2 0 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re application of Smith et al. Application No. 12/990,419 Filed: November 19, 2010 For: METHOD OF INSTALLING A PAVING SYSTEM	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 13, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must 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 preliminary amendment filed on May 13, 2011, 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: 06/17/11

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

Attorney Docket No.: 1028-0227PUS1

Application No:	12/990,420	Filing date:	October 29, 2010
First Named Inventor:	Ruth BAMFORD		
Title of the Invention:	SPACECRAFT SHIELD		

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/GB2010/000588

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

I. List of Required Documents:

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

- [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 EPO AND THE USPTO

(continued)

Application No.:	12/990,420
First Named Inventor:	Ruth BAMFORD

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 29, 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 29, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
U.S. Claim 1	PCT Claim 1	U.S Claim 1 sufficiently corresponds to PCT Claim 1.
U.S. Claim 2	PCT Claim 2	U.S Claim 2 sufficiently corresponds to PCT Claim 2.
U.S. Claim 3	PCT Claim 3	U.S Claim 3 sufficiently corresponds to PCT Claim 3.
U.S. Claim 4	PCT Claim 4	U.S Claim 4 sufficiently corresponds to PCT Claim 4.
U.S. Claim 5	PCT Claim 5	U.S Claim 5 sufficiently corresponds to PCT Claim 5.
U.S. Claim 6	PCT Claim 6	U.S Claim 6 sufficiently corresponds to PCT Claim 6.
U.S. Claim 7	PCT Claim 7	U.S Claim 7 sufficiently corresponds to PCT Claim 7.
U.S. Claim 8	PCT Claim 8	U.S Claim 8 sufficiently corresponds to PCT Claim 8.
U.S. Claim 9	PCT Claim 9	U.S Claim 9 sufficiently corresponds to PCT Claim 9.
U.S. Claim 10	PCT Claim 10	U.S Claim 10 sufficiently corresponds to PCT Claim 10.
U.S. Claim 11	PCT Claim 11	U.S Claim 11 sufficiently corresponds to PCT Claim 11.
U.S. Claim 12	PCT Claim 12	U.S Claim 12 sufficiently corresponds to PCT Claim 12.
U.S. Claim 13	PCT Claim 13	U.S Claim 13 sufficiently corresponds to PCT Claim 13.
U.S. Claim 14	PCT Claim 14	U.S Claim 14 sufficiently corresponds to PCT Claim 14.
U.S. Claim 15	PCT Claim 15	U.S Claim 15 sufficiently corresponds to PCT Claim 15.
U.S. Claim 16	PCT Claim 16	U.S Claim 16 sufficiently corresponds to PCT Claim 16.
U.S. Claim 17	PCT Claim 17	U.S Claim 17 sufficiently corresponds to PCT Claim 17.
U.S. Claim 18	PCT Claim 18	U.S Claim 18 sufficiently corresponds to PCT Claim 18.
U.S. Claim 19	PCT Claim 19	US Claim 19 sufficiently corresponds to PCT Claim 19

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

Signature	Date November 10, 2010
Name (Print/Typed) Michael K. Mutter	Registration Number 29680

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

(continued)

Application No.:	12/990,420
First Named Inventor:	Ruth BAMFORD

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 29, 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 29, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
U.S. Claim 20	PCT Claim 20	U.S Claim 20 sufficiently corresponds to PCT Claim 20.
U.S. Claim 21	PCT Claim 21	U.S Claim 21 sufficiently corresponds to PCT Claim 21.
U.S. Claim 22	PCT Claim 22	U.S Claim 22 sufficiently corresponds to PCT Claim 22.
U.S. Claim 23	PCT Claim 23	U.S Claim 23 sufficiently corresponds to PCT Claim 23.
U.S. Claim 24	PCT Claim 24	U.S Claim 24 sufficiently corresponds to PCT Claim 24.
U.S. Claim 25	PCT Claim 25	**US Claim 25 sufficiently corresponds to PCT Claim 25**

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

Signature	Date **November 10, 2010**
Name (Print/Typed) Michael K. Mutter	Registration Number 29680

PATENT COOPERATION TREATY

In 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/GB2010/000588	26.03.2010	26.03.2009

International Patent Classification (IPC) or both national classification and IPC
INV. B64G1/54

Applicant
THE SCIENCE AND TECHNOLOGY FACILITIES COUNCIL

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
P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040
Fax: +31 70 340 - 3016

Date of completion of this opinion
see form PCT/ISA/210

Authorized Officer
Kaysan, Rainer
Telephone No +31 70 340-2767

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. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of

☐ the entire international application

☒ claims Nos. 26-28

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international search *(specify)*:

☐ the description, claims or drawings *(indicate particular elements below)* or said claims Nos. are so unclear that no meaningful opinion could be formed *(specify)*:

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed *(specify)*:

☒ no international search report has been established for the whole application or for said claims Nos. 26-28

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

- ☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- ☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- ☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13*ter*.1(a) or (b).

☐ See Supplemental Box for further details

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has, within the applicable time limit:

   ☐ paid additional fees

   ☐ paid additional fees under protest and, where applicable, the protest fee

   ☐ paid additional fees under protest but the applicable protest fee was not paid

   ☒ not paid additional fees

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

   ☐ complied with

   ☒ not complied with for the following reasons:

   see separate sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

   ☐ all parts.

   ☒ the parts relating to claims Nos. 1-25

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	1-25
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-25
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-25
	No:	Claims	

2. Citations and explanations

   see separate sheet

Re Item IV.

The separate inventions/groups of inventions are:

claims: 1-25: reduce energy consumption of shield magnetic field source

claims: 26-28: protect spacecraft when inducing particles into magnetic field

The reasons for which the present application has been deemed to contain 2 inventions which are not linked such that they form a single general inventive concept, as required by Rules 13.1, 13.2 and 13.3, PCT are as follows:

The prior art has been identified as:

D1 US 4 438 168 A (TESTARD OLIVIER [FR]) 20 March 1984 (1984-03-20) ✓ 10/29/10

Document D1 discloses a spacecraft comprising: a magnetic field source (column 2, line 11 - line 17).

INVENTION I:

From a comparison of the disclosure of this prior art and the technical features of claim 1, the following features can be seen to make a contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)):

Said spacecraft further comprising: a source controller arranged to operate the magnetic field source so as to provide ongoing perturbation of the shield magnetic field, to thereby increase the effectiveness of the protection.

From these, the objective problem to be solved can be construed as:

Reduce energy consumption of the shield magnetic field source by increasing its efficiency.

INVENTION II:

From a comparison of the disclosure of this prior art and the technical features of claim 26, the following features can be seen to make a contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)):

Said spacecraft further comprising: an injector element adapted to inject material into the shield magnetic field outside the spacecraft to enhance the plasma density therein.

From these, the objective problem to be solved can be construed as:

Maintain the protection of said spacecraft when inducing particles into magnetic field.

The above analysis shows that the special technical features of invention I (claims 1-25) are neither the same as nor corresponding to those of invention II (claims 26-28).

In conclusion, therefore, the 2 groups of claims are not linked by common or corresponding special technical features and define 2 different inventions not linked by a single general inventive concept.

The application, hence, does not meet the requirements of Unity of Invention as defined in Rules 13.1 & 13.2 PCT.

The following reasoned statement with regard to novelty and/or inventive step is related to the **first invention only**.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D2 US 2006/169489 A1 (KINSTLER GARY A [US]) 3 August 2006 (2006-08-03) ✓ 10/29/10

Document D2 is regarded as being the prior art closest to the subject-matter of claim 1, and discloses

> A spacecraft (200) comprising: a magnetic field source (112,130,212, 230) arranged to generate a shield magnetic field (134,136) to protect the spacecraft from energetic charged particles (para. [0027]).

The subject-matter of claim 1 therefore differs from this known spacecraft in that

> it further comprises a source controller arranged to operate the magnetic field source so as to *provide ongoing perturbation of the shield magnetic field*, to thereby increase the effectiveness of the protection

and is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as *reducing the energy consumption* of a shield magnetic field source.

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:

By providing an *ongoing perturbation of the shield magnetic field*, a complex magnetic field line structure is created, thus causing external energetic charged particles to be deflected away more efficient as an equivalent laminar magnetic field known from the prior art. Therefore, the field strength can be reduced while still providing the same level of shielding. This decreases the energy consumption of the magnetic field source.

The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent method claim 20, which therefore is also considered new and inventive.

Claims 2-19 (21-25) are dependent on claim 1 (20) and as such also meet the requirements of the PCT with respect to novelty and inventive step.

1. A spacecraft comprising:

a magnetic field source (16) arranged to generate a shield magnetic field (18) to protect the spacecraft from energetic charged particles; and

a source controller (20) arranged to operate the magnetic field source so as to provide ongoing perturbation of the shield magnetic field, to thereby increase the effectiveness of the protection.

2. The spacecraft of claim 1 wherein the source controller (20) is arranged to cause ongoing perturbation of the shield magnetic field in one or more of: an irregular manner, a stochastic manner, and a continuous manner.

3. The spacecraft of claim 1 wherein the source controller is arranged to cause ongoing perturbation of the magnetic field in one or more dynamic modes selected from: changes in magnitude; changes in direction; changes in structure; and changes in the number of magnetic poles.

4. The spacecraft of claim 1 wherein the source controller is arranged to cause ongoing perturbation of the shield magnetic field such that the perturbations demonstrate a characteristic timescale in the range of 0.001 to 10 seconds, and more preferably in the range of 0.01 to 0.1 seconds.

5. The spacecraft of claim 4 wherein the source controller is arranged to cause ongoing perturbation of the shield magnetic field such that the perturbations demonstrate a characteristic dynamic range over said characteristic timescale of at least 1%, at least 3%, or at least 10%, of an average value, in one or more dynamic modes.

6. The spacecraft of claim 1 wherein the source controller and magnetic field source are adapted to generate a shield magnetic field having an average field strength of at least 1×10^{-5} Tesla, and more preferably at least 1×10^{-4} Tesla at the magnetic field source.

7. The spacecraft of claim 1 wherein the source controller and the magnetic field source are adapted to generate a shield magnetic field having an average field strength of $1x10^{-7}$ Tesla at a distance of at least 10 m, and preferably at least 100 m from the magnetic field source.

8. The spacecraft of claim 1 further comprising a power supply adapted to deliver electrical power to the magnetic field source of at least 100 W and more preferably at least 500 W.

9. The spacecraft of claim 1 wherein the magnetic field source is arranged to generate the shield magnetic field with at least one of a quadrapole and a higher order pole component.

10. The spacecraft of claim 1 wherein the magnetic field source is arranged to generate the shield magnetic field using one or more magnet coils.

11. The spacecraft of claim 10 wherein the source controller is arranged to cause ongoing perturbation of the shield magnetic field by varying the current in at least one of said coils.

12. The spacecraft of claim 11 wherein the source controller is arranged to cause ongoing perturbation of the shield magnetic field by varying the current in at least one of said coils, by at least 1%, or at least 3%, or at least 10%.

13. The spacecraft of claim 11 wherein the source controller is arranged to vary the current over the specified range at frequencies between 0.1 Hz and 1000 Hz, or more preferably between 1 Hz and 100 Hz.

14. The spacecraft of claim 1 wherein the source controller comprises a computer element arranged to implement a perturbation control algorithm to thereby generate a shield control signal, and the shield control signal is used to control the

magnetic field source to generate a shield magnetic field in accordance with the algorithm.

15. The spacecraft of claim 14 comprising at least one of a solar wind particle detector and a magnetic field detector, the at least one detector being operably coupled to the source controller.

16. The spacecraft of claim 15 wherein the computer element is arranged to use measurements from the at least one detector in generating the shield control signal.

17. The spacecraft of claim 14 further comprising a telemetry signal receiver, wherein the computer element is arranged to used data from a received telemetry signal in generating the shield control signal.

18. The spacecraft of claim 1 further comprising an injector element adapted to inject material into the shield magnetic field.

19. The spacecraft of claim 18 wherein the material injected into the shield magnetic field forms an increased density shield plasma to thereby increase the protection of the spacecraft from said energetic charged particles.

20. A method of shielding a spacecraft from energetic charged particles comprising:

generating a shield magnetic field (18) arranged protect the spacecraft from energetic charged particles, wherein the field is generated with an ongoing perturbation, to thereby increase the effectiveness of the protection.

21. The method of claim 20 wherein the method is effective to shield the spacecraft from protons in at least some of a range of energies of 1 MeV to 50 MeV.

22. The method of claim 20 wherein the ongoing perturbation is caused by varying driving current applied to one or more magnet coils.

23. The method of claim 22 wherein the driving current is varied according to a predetermined algorithm.

24. The method of claim 22 wherein the driving current is varied on a characteristic timescale in the range 0.001 to 10 seconds, or more preferably on a characteristic timescale of 0.01 to 0.1 seconds.

25. The method of claim 20 further comprising injecting material from the spacecraft into the shield magnetic field to increase the density of plasma in the vicinity of the spacecraft to thereby increase the protection of the spacecraft from said energetic charged particles.

Docket No.: 1028-0227PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:
Ruth BAMFORD et al.

Application No.:	12/990,420	Confirmation No.:	8636
Filed:	October 29, 2010	Art Unit:	Not Yet Assigned
For:	SPACECRAFT SHIELD	Examiner:	Not Yet Assigned

LETTER

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

Sir:

Applicants filed an incorrect copy of the claims which were indicated as having novelty, inventive step and industrial applicability on November 10, 2010. A corrected copy of the claims is attached.

Please substitute the attached allowed claims for the incorrect claims previously submitted with the filing of the Request for Patent Prosecution Highway filed on November 10, 2010.

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: November 18, 2010

Respectfully submitted,

By _____ 48912

Michael K. Mutter
Registration No.: 29680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachment

CLAIMS:

1. A spacecraft comprising:

a magnetic field source (16) arranged to generate a shield magnetic field (18) to protect the spacecraft from energetic charged particles; and

a source controller (20) arranged to operate the magnetic field source so as to provide ongoing perturbation of the shield magnetic field, to thereby increase the effectiveness of the protection.

2. The spacecraft of claim 1 wherein the source controller (20) is arranged to cause ongoing perturbation of the shield magnetic field in one or more of: an irregular manner, a stochastic manner, and a continuous manner.

3. The spacecraft of claim 1 or 2 wherein the source controller is arranged to cause ongoing perturbation of the magnetic field in one or more dynamic modes selected from: changes in magnitude; changes in direction; changes in structure; and changes in the number of magnetic poles.

4. The spacecraft of any preceding claim wherein the source controller is arranged to cause ongoing perturbation of the shield magnetic field such that the perturbations demonstrate a characteristic timescale in the range of 0.001 to 10 seconds, and more preferably in the range of 0.01 to 0.1 seconds.

5. The spacecraft of claim 4 wherein the source controller is arranged to cause ongoing perturbation of the shield magnetic field such that the perturbations demonstrate a characteristic dynamic range over said characteristic timescale of at least 1%, at least 3%, or at least 10%, of an average value, in one or more dynamic modes.

6. The spacecraft of any preceding claim wherein the source controller and magnetic field source are adapted to generate a shield magnetic field having an average field strength of at least 1×10^{-5} Tesla, and more preferably at least 1×10^{-4} Tesla at the magnetic field source.

7. The spacecraft of any preceding claim wherein the source controller and the magnetic field source are adapted to generate a shield magnetic field having an average field strength of $1x10^{-7}$ Tesla at a distance of at least 10 m, and preferably at least 100 m from the magnetic field source.

8. The spacecraft of any preceding claim further comprising a power supply adapted to deliver electrical power to the magnetic field source of at least 100 W and more preferably at least 500 W.

9. The spacecraft of any preceding claim wherein the magnetic field source is arranged to generate the shield magnetic field with at least one of a quadrapole and a higher order pole component.

10. The spacecraft of any preceding claim wherein the magnetic field source is arranged to generate the shield magnetic field using one or more magnet coils.

11. The spacecraft of claim 10 wherein the source controller is arranged to cause ongoing perturbation of the shield magnetic field by varying the current in at least one of said coils.

12. The spacecraft of claim 11 wherein the source controller is arranged to cause ongoing perturbation of the shield magnetic field by varying the current in at least one of said coils, by at least 1%, or at least 3%, or at least 10%.

13. The spacecraft of claim 11 or 12 wherein the source controller is arranged to vary the current over the specified range at frequencies between 0.1 Hz and 1000 Hz, or more preferebly between 1 Hz and 100 Hz.

14. The spacecraft of any preceding claim wherein the source controller comprises a computer element arranged to implement a perturbation control algorithm to thereby generate a shield control signal, and the shield control signal is used to control the magnetic field source to generate a shield magnetic field in accordance with the algorithm.

15. The spacecraft of claim 14 comprising at least one of a solar wind particle detector and a magnetic field detector, the at least one detector being operably coupled to the source controller.

16. The spacecraft of claim 15 wherein the computer element is arranged to use measurements from the at least one detector in generating the shield control signal.

17. The spacecraft of any of claims 14 to 16 further comprising a telemetry signal receiver, wherein the computer element is arranged to used data from a received telemetry signal in generating the shield control signal.

18. The spacecraft of any preceding claim further comprising an injector element adapted to inject material into the shield magnetic field.

19. The spacecraft of claim 18 wherein the material injected into the shield magnetic field forms an increased density shield plasma to thereby increase the protection of the spacecraft from said energetic charged particles.

20. A method of shielding a spacecraft from energetic charged particles comprising:

generating a shield magnetic field (18) arranged protect the spacecraft from energetic charged particles, wherein the field is generated with an ongoing perturbation, to thereby increase the effectiveness of the protection.

21. The method of claim 20 wherein the method is effective to shield the spacecraft from protons in at least some of a range of energies of 1 MeV to 50 MeV.

22. The method of claim 20 or 21 wherein the ongoing perturbation is caused by varying driving current applied to one or more magnet coils.

23. The method of claim 22 wherein the driving current is varied according to a predetermined algorithm.

24. The method of claim 22 or 23 wherein the driving current is varied on a characteristic timescale in the range 0.001 to 10 seconds, or more preferably on a characteristic timescale of 0.01 to 0.1 seconds.

25. The method of any of claims 20 to 22 further comprising injecting material from the spacecraft into the shield magnetic field to increase the density of plasma in the vicinity of the spacecraft to thereby increase the protection of the spacecraft from said energetic charged particles.

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.
12/990,420	10/29/2010	Ruth Bamford	1028-0227PUS1	8636

2292 7590 02/04/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
3644	

NOTIFICATION DATE	DELIVERY MODE
02/04/2011	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

FEB - 3 2011

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

In re application of Bamford et al. Application No. 12/990,420 Filed: October 29, 2010 For: SPACECRAFT SHIELD	**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 10, 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: 2/2/11

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

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

MAILED
JAN 07 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
OMEIS et al	:	
Application No.: 12/990,421	:	
PCT No.: PCT/EP09/53917	:	PAPERS FILED
Int. Filing Date: 02 April 2009	:	
Priority Date: 30 April 2008	:	
Attorney's Docket No.: 3702896US99PCT	:	UNDER 37 CFR 1.42
For: CONTINUOUS ...	:	
REACTIVE POLYMER	:	

This is a decision on the declaration filed 29 October 2010, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

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 requisite basic national fee as required by 35 U.S.C. 371(c)(1), and included an executed declaration signed by Eike Fiebig-Bauer as the heiress and legal representative of the deceased joint inventor Frank Bauer.

DISCUSSION

The declaration is unacceptable at this time because it is not clear that Elke Fiebig-Bauer is the sole heir or just the legal representative for the deceased inventor, Frank Bauer. (see MPEP § 409.01(a)).

That is, there may be other heirs who are required to also sign the declaration. The declaration must indicate that she is the sole heir for the deceased inventor or is the legal representative (not including the term heiress next to it so as to avoid confusion) or indicate that she is both for the deceased inventor, Frank Bauer, to accept the application under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.42." Extensions of time are available under 37 CFR 1.136(a).

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED
MAY 05 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
OMEIS et al	:	
Application No.: 12/990,421	:	
PCT No.: PCT/EP09/53917	:	PAPERS FILED
Int. Filing Date: 02 April 2009	:	
Priority Date: 30 April 2008	:	
Attorney's Docket No.: 3702896US99PCT	:	UNDER 37 CFR 1.42
For: CONTINUOUS ...	:	
REACTIVE POLYMER	:	

This is a decision on the "RENEWED REQUEST UNDER 37 CFR 1.42" filed 07 March 2011.

BACKGROUND

In a decision from this office dated 07 January 2011, the papers filed on 29 October 2010 were not accepted under 37 CFR 1.42. The reason was that it was not clear if the person signing for the deceased co-inventor was the sole heir or legal representative of the deceased joint inventor, Frank Bauer.

On 07 March 2011, applicants submitted the renewed submission under 37 C.F.R. §1.42.

DISCUSSION

Applicant has provided a statement by the attorney, Mr. Cunningham, who sets forth that Elke Fiebig-Bauer is in fact are the sole heir and legal representatives (as stated in the renewed request and declaration) of the deceased co-inventor Frank Bauer.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/990,427	12/14/2010	Christian Lingenfelder	10033-006US1	8705

96039 7590 07/28/2011
McKeon Meunier Carlin & Curfman LLC
817 W. Peachtree Street, Suite 900
Atlanta, GA 30308

EXAMINER

ART UNIT	PAPER NUMBER
3767	

NOTIFICATION DATE	DELIVERY MODE
07/28/2011	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):

docketing@m2iplaw.com

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United States Patent and Trademark Office
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McKeon Meunier Carlin & Curfman LLC
817 W. Peachtree Street, Suite 900
Atlanta GA 30308

In re Application of: LINGENFELDER, CHRISTIAN, et al Serial No.: 12/990427 Filed: 12/14/2010 Attorney Docket No. : 10033-006US1 Title: DYE SOLUTION	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 March 1, 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 DPMA;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the DPMA 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 DPMA 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 DPMA 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 DPMA examiner in the DPMA 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 #3 above.

In regard to Item #3, the request to participate in the PPH pilot program and petition does not show DPMA allowed claims 1-8 corresponding with the current pending claims 1-8. Applicant acknowledges in the petition that in the allowed DPMA Claim 1 (the first independent claim), the preamble states "...dyestuff solution including at least one dyestuff..." In corresponding U.S. Claim 1, however, the language is read as "...preparation for the selective staining of the internal limiting membrane (ILM) and/or of epiretinal membranes (EMR) in the human or animal eye...." Since the allowed DPMA Claim 1 contains further limitations, it is narrower than pending U.S. Claim 1. Thus, the DPMA examiner never examined the broadened scope of orientation. In order to grant this PPH petition, it is suggested that applicant amend Claim 1 to the identical scope of the DPMA claims, or submit a response explaining how this additional element does not change the scope of the claim.

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 **dismissed**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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MCKEON MEUNIER CARLIN
CURFMAN LLC
817 W. PEACHTREE STREET,
SUITE 900
ATLANTA GA 30308

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of	**: DECISION ON REQUEST TO**
LINGENFELDER et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/990,427	**: PROSECUTION HIGHWAY**
Filed: December 14, 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 10033-006US1	**: TO MAKE SPECIAL UNDER**
For: DYE SOLUTION	**: 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 1, 2011 and renewed September 14, 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 DPMA, 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 DPMA, 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 DPMA, 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 DPMA application(s), and
   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 DPMA 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 all office actions from each of the DPMA application(s) containing the allowable/patentable claim(s), and
      ii. a copy of any office action which is relevant to patentability from the DPMA application(s) issued after grant of the request to participate in the PPH pilot program, and
   b. An English language translation of the DPMA office action from (5)(a)(i)-(ii) above, and
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the DPMA examiner in the DPMA office action (unless already submitted in this application), and
   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) 272-6735.

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/990,431	Filing date:	January 21, 2011
First Named Inventor:	Michael J. Pelland		
Title of the Invention:	Adjustable Dual Speaker Element In-Ear Phone		

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/US09/44340

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

May 18, 2009

I. List of Required Documents:

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

☐ Is attached

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

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

☐ Is attached.

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

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

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

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.:	12/990,431
First Named Inventor:	Michael J. Pelland

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on 10-29-2010

(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 10-29-2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-43	1-43	Direct 1-to-1 Correspondence
44-52	45-53	Direct 1-to-1 Correspondence

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

Signature Mark Knedeisen	Date March 30, 2011
Name (Print/Typed) Mark Knedeisen	Registration Number 42,747

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.
12/990,431	01/21/2011	Michael J. Pelland	080186PCTUS	8727

26285 7590 04/28/2011
K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH, PA 15222-2613

EXAMINER

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
04/28/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APR 28 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of	:	
PELLAND, MICHAEL J. et al	:	DECISION ON REQUEST TO
Application No. 12/990,431	:	PARTICIPATE IN PATENT
Filed: January 21, 2011	:	PROSECUTION HIGHWAY
Attorney Docket No. 080186PCTUS	:	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 March 30, 2011 to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 7 above.

Regarding item 7, while applicants have submitted an IDS listing documents cited in an ISA, not all documents have been listed. The submitted IDS failed to include the document, US2004/0008855 to Ham which was also cited in the ISA. An IDS listing the document, US2004/0008855 is required.

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

Any response must be submitted via EFS-web.

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael J. Pelland et al.	)	**Examiner:** Not Yet Assigned
		)	
Serial No.:	12/990,431	)	**Art Unit:** 2614
		)	
Filing Date:	January 21, 2011	)	**Atty. Docket No.** 080186PCTUS

Title: ADJUSTABLE, DUAL SPEAKER ELEMENT IN-EAR PHONE

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

K&L Gates LLP
Pittsburgh, PA 15222
May 5, 2011

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

Attn: Michael Horabik

Dear Sir:

This is a reply to the "Decision On Request To Participate In The Patent Prosecution Highway Pilot Program and Petition To Make Special Under 37 CFR 1.102(a)," mailed April 28, 2011 for the above-referenced application ("the Subject Application"). In response, applicants submit:

1. On March 30, 2011, applicants filed a Petition to Participate in the PCT Patent Prosecution Highway Pilot Program ("the Petition").

2. On April 28, 2011, the Office dismissed the Petition because one prior art reference cited in the International Search Report (ISR) for the corresponding PCT application was not submitted in an Information Disclosure Statement (IDS). The decision provided applicants with one month to correct the deficiencies.

3. To rectify the deficiencies, applicants filed an IDS on May 4, 2011 that listed the one omitted prior art reference from the ISR, namely Pub. No. 2004/0008855 A1. A copy of the IDS is provided hereto as Exhibit 1.

4. Accordingly, applicants submit that the request to participate in the PCT-PPH pilot program is acceptable, and should be granted, because all of the requirements to participate in the PCT-PPH pilot program are now met for the Subject Application.

5. Applicants submit that no fee is necessary for this filing. Nevertheless, the Office is authorized to charge the fee required under 37 C.F.R. § 1.17(g) for this petition and any additionally required fee amounts necessary for consideration of this petition to Account No. 11-1110.

6. A representative of the Office is invited to contact the undersigned with any questions regarding the Petition and this reply.

Respectfully submitted,

Date: May 5, 2011

Mark Knedeisen

Mark G. Knedeisen
Reg. No. 42,747

K&L GATES LLP
K&L Gates Center
210 Sixth Avenue
Pittsburgh, Pennsylvania 15222

Ph. (412) 355-6342
Fax (412) 355-6501
Email: mark.knedeisen@klgates.com

EXHIBIT 1

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/990,431	01/21/2011	Michael J. Pelland	080186PCTUS	8727

26285 7590 05/26/2011
K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH, PA 15222-2613

EXAMINER

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
05/26/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAY 26 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of PELLAND, MICHAEL J. et al Application No. 12/990,431 Filed: January 21, 2011 Attorney Docket No. 080186PCTUS	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed May 05, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s).

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

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

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

The application is 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

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.
12/990,432	01/20/2011	Hideya Suzuki	87307(302716)	8741

21874 7590 04/12/2011
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER
LIPMAN, BERNARD

ART UNIT	PAPER NUMBER
1762	

MAIL DATE	DELIVERY MODE
04/12/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CST

April 12, 2011

In re application of Hideya Suzuki et al Serial No. 12/990,432 Filed: January 20, 2011 For: ACTIVE-ENERGY-RAY-CURABLE COATING COMPOSITION, CURED PRODUCT THEROF, AND NOVEL CURABLE RESIN	: : : : : : : : :	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 29, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate; and

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

United States Patent and Trademark Office

MAILED

DEC 29 2010

PCT LEGAL ADMINISTRATION

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

Byrne Poh LLP
11 Broadway, Ste 865
New York NY 10004

In re Application of	:	
Rajkovic	:	
Application No.: 12/990,466	:	DECISION
PCT No.: PCT/RS2009/000013	:	
Int. Filing Date: 31 March 2009	:	ON
Priority Date: 31 March 2008	:	
Attorney Docket No.: 0121040-121-US1	:	PETITION
For: Disposable Gynecologic Instrument For Dilation Of Body Cavities By Fluid Injection	:	

The petition to revive under 37 CFR 1.137(b) filed on 29 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. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **29 October 2010**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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PATENT LAW OFFICES OF DR. NORMAN B. THOT
POSTFACH 10 17 56
RATINGEN 40837 DE GERMANY

MAILED

NOV 01 2011

OFFICE OF PETITIONS

Applicants: Antje Von Schaewen, et al.
Appl. No.: 12/990,497
International Filing Date: April 25, 2009
Title: METHOD FOR GENERATING HYPOALLERGENIC GLYCOPROTEINS IN MUTATED OR TRANSGENIC PLANTS OR PLANT CELLS, AND MUTATED OR TRANSGENIC PLANTS AND PLANT CELLS FOR GENERATING HYPOALLERGENIC GLYCOPROTEINS
Attorney Docket: PROV/WWUM 1002 US-PAT
Pub. No.: US 20110047657 A1
Pub. Date: February 24, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 12, 2011, for the above-identified application.

The request is granted.

Applicant requests that the application be republished because the patent application publication contains an error in the priority data.

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

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:	12/990,502	Filing date:	October 30, 2010
First Named Inventor:	Christian Bergljung		
Title of the Invention:	Method and Arrangement in a Cellular Communications System		

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

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

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

The corresponding PCT application number(s) is/are: PCT/SE2008/051494

The international filing date of the corresponding PCT application(s) is/are: December 18, 2008

I. List of Required Documents:

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

☐ Is attached

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

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

☐ Is attached.

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

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

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

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

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

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

(continued)

Application No.:	12/990,502
First Named Inventor:	Christian Bergljung

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on November 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 November 28, 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 Claims 1-30 amended to remove
		unnecessary parentheticals, eliminate multiple dependencies,
		and generally conform the claims to US practice.

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

Signature /Todd A. Cason, Reg No 54,020/	Date June 22, 2011
Name (Print/Typed) Todd A. Cason	Registration Number 54,020

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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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/990,502	10/30/2010	Christian Bergljung	0110-615/P26440US2	9750

27045 7590 07/15/2011
ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER
FAN, CHIEH M

ART UNIT	PAPER NUMBER
2611	

NOTIFICATION DATE	DELIVERY MODE
07/15/2011	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):

kara.coffman@ericsson.com
jennifer.hardin@ericsson.com
melissa.rhea@ericsson.com

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

In re Application of	
BERGLJUNG et al.	**: DECISION ON REQUEST TO**
Application No.: 12/990,502	**: PARTICIPATE IN THE PATENT**
Filed: 30 October 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 0110-615/P26440US2	**: PROGRAM AND PETITION**
For: METHOD AND ARRANGEMENT	**: TO MAKE SPECIAL UNDER**
IN A CELLULAR COMMUNICATIONS	**: 37 CFR 1.102(a)**
SYSTEM	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 22 June 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

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KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE CA 92612

MAILED

JUL 26 2011

PCT LEGAL ADMINISTRATION

In re Application of: TIJANIC, Veso, et al.
U.S. Application No.: 12/990,564
PCT No.: PCT/CA2009/000589
International Filing Date: 01 May 2009
Priority Date: 01 May 2008
Attorney's Docket No.: 1103.009.101
For: CONNECTOR AND MEDICAL DEVICE SYSTEM INCORPORATING SAME

SECOND COMMUNICATION REGARDING DECLARATION

This communication is issued in response to the "Statement In Response To Communication From The Office Of PCT Legal Administration" filed 15 June 2011.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed on 08 June 2011. The Communication indicated that the declaration filed by applicants on 15 April 2011 could not be accepted without a statement from applicants confirming the correct name of the first inventor and that the difference in spelling between the inventor's name of record and the name as written on the declaration was the result of a typographical or transliteration error.

On 15 June 2011, applicants filed the "Statement In Response To Communication From The Office Of PCT Legal Administration" considered herein.

DISCUSSSION

Applicants' 15 June 2011 submission expressly confirms that the correct name of the first inventor is Veso TIJANIC and that the incorrect spelling of this inventor's name as Vesco TIJANIC on the international application was the result of a typographical or transliteration error. As discussed in the previous communication, under such circumstances, a petition under 37 CFR 1.182 to correct the inventor's name is not necessary.

The correct name of record for the first inventor is accepted as Veso TIJANIC, as set forth on the corrected declaration filed on 15 April 2011.

CONCLUSION

The correct name of the first inventor is accepted as Veso TIJANIC.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this communication. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 April 2011.

/RichardMRoss/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/990,572	11/01/2010	Denver Whitworth	0837RF-H727-US	1559

38441 7590 08/04/2011
LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON, TX 76028

EXAMINER
RACHUBA, MAURINA T

ART UNIT	PAPER NUMBER
3727	

NOTIFICATION DATE	DELIVERY MODE
08/04/2011	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):

JIM@WALTONPLLC.COM

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

LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON TX 76028

In re Application of: WHITWORTH, DENVER Serial No.: 12/990572 Filed: November 1, 2010 Attorney Docket No. : 0837RF-H727-US Title: ABRASIVE ARTICLE	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

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

The request and petition are **granted.**

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the 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.

Claims 1-20 as filed on Nov. 1, 2010 under Replacement Sheet of PCT/US09/42334 19-03-2010 (4 sheets) have been entered for examination purpose.

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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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

MAILED
DEC 02 2010
PCT LEGAL ADMINISTRATION

In re Application of ROBINSON	:	
U.S. Application No.: 12/990,598	:	
PCT Application No.: PCT/US2008/062228	:	
Int. Filing Date: 01 May 2008	:	DECISION
Priority Date Claimed: 01 May 2007	:	
Attorney Docket No.: P09462US00/BAS	:	
For: MULTI-PURPOSE INSECT REPELLANT	:	
COMPOSITION AND METHODS	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 01 November 2010.

BACKGROUND

On 01 May 2008, applicant filed international application PCT/US2008/062228, which claimed priority of an earlier Australia application filed 01 May 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 13 November 2008. The thirty-month period for paying the basic national fee in the United States expired on 02 November 2009.

On 03 November 2009, international application PCT/US2008/062228 became abandoned as to the United States for failure to timely pay the basic national fee.

On 01 November 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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JAN 07 2011
PCT LEGAL ADMINISTRATION

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

In re Application of	:	DECISION ON
Northcott et al	:	
Application No.: 12/990,601	:	
PCT No.: PCT/GB2009/001074	:	
Int. Filing Date: 28 April 2009	:	PETITION UNDER
Priority Date: 28 April 2008	:	
Attorney's Docket No.: NA	:	
For: MOULDED PLASTICS COOLING APPARATUS	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 01 November 2010.

BACKGROUND

On 28 April 2009, this international application was filed, claiming an earliest priority date of 28 April 2008.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 28 October 2010. This international application became abandoned with respect to the United States at midnight on 28 October 2010 for failure to pay the required basic national fee.

On 01 November 2011, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

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

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

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

DECISION

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

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

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

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MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD, CT 06103

MAILED
DEC 08 2010
PCT LEGAL ADMINISTRATION

In re Application of MARTINEZ et al	:	
U.S. Application No.: 12/990,648	:	
PCT Application No.: PCT/FR2009/000255	:	
Int. Filing Date: 12 March 2009	:	
Priority Date Claimed: 14 March 2008	:	DECISION
Attorney Docket No.: 5224-0018WOUS	:	
For: UNLOCKING OF A MEMBER THAT	:	
STABILIZES THE BREAKING JURY STRUT OF	:	
AN AIRCRAFT LANDING GEAR	:	

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 02 November 2010.

BACKGROUND

On 12 March 2009, applicant filed international application PCT/FR2009/000255, which claimed priority of an earlier France application filed 14 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 24 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 14 September 2010.

On 15 September 2010, international application PCT/FR2009/000255 became abandoned as to the United States for failure to timely pay the basic national fee.

On 02 November 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in

filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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

Application No:	12/990,660	Filing date:	March 15, 2011
First Named Inventor:	Jesper Staerke Rosengren		
Title of the Invention:	TOWER SECTION FOR A WIND TURBINE TOWER		

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

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

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

The corresponding PCT application number(s) is/are: PCT/DK2009/050103

The international filing date of the corresponding PCT application(s) is/are: April 30, 2009

I. List of Required Documents:

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

[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

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

(continued)

Application No.:	12/990,660
First Named Inventor:	Jesper Staerke Rosengren

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

■ Is attached

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

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

■ Are attached.

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Similar in scope; no substantive change
2	2	Similar in scope; no substantive change
3	3	Similar in scope; no substantive change
4	4	Similar in scope; no substantive change
5	5	Combination of claims 1 and 5; multiple dependency deleted
6	6	Combination of claims 1 and 6; multiple dependency deleted
7	7	Similar in scope; no substantive change
8	8	Combination of claims 2 and 8; multiple dependency deleted
9	9	Combination of claims 2 and 9; multiple dependency deleted
10	10	Combination of claims 1 and 10; multiple dependency deleted
11	11	Combination of claims 2 and 11; multiple dependency deleted
12	12	Combination of claims 1 and 12; multiple dependency deleted
13	13	Combination of claims 2 and 13; multiple dependency deleted
14	14	Combination of claims 2 and 14; multiple dependency deleted
15	15	Combination of claims 2 and 15; multiple dependency deleted
16	16	Combination of claims 1 and 16; multiple dependency deleted
17	17	Combination of claims 1 and 17; multiple dependency deleted
18	18	Combination of claims 1 and 18; multiple dependency deleted
19	19	Combination of claims 1 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 April 1, 2011
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

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

(continued)

Application No.:	12/990,660
First Named Inventor:	Jesper Staerke Rosengren

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

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

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

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
20	20	Combination of claims 1 and 20; multiple dependency deleted
21	21	Combination of claims 1 and 21; multiple dependency deleted
22	22	Combination of claims 20 and 22; multiple dependency deleted
23	23	Similar in scope; no substantive change
24	24	Similar in scope; no substantive change
25	25	Combination of claims 1 and 25; multiple dependency deleted
26	26	Combination of claims 1 and 26; multiple dependency deleted
27	27	Combination of claims 25 and 27; multiple dependency deleted
28	28	Similar in scope; no substantive change
29	29	Similar in scope; no substantive change
30	30	Similar in scope; no substantive change
31	31	Combination of claims 30 and 31; multiple dependency deleted
32	32	Similar in scope; no substantive change
33	33	Combination of claims 32 and 33; multiple dependency deleted
34	34	Combination of claims 32 and 34; 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 April 1, 2011
Name (Print/Typed) Steven W. Benintendi	Registration Number 56,297

Privacy Act Statement

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

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

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

PATENT COOPERATION TREATY

PCT/DK2009/050103

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:

PLOUGMANN & VINGTOFT A/S
Sundkrogsgade 9
P.O. Box 831
DK-2100 Copenhagen Ø
DANEMARK

Date of mailing *(day/month/year)* 11 November 2010 (11.11.2010)	
Applicant's or agent's file reference 43751PC01	**IMPORTANT NOTICE**

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/DK2009/050103	30 April 2009 (30.04.2009)	02 May 2008 (02.05.2008)

Applicant

VESTAS WIND SYSTEMS A/S 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 Nora Lindner e-mail: pt11.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 43751PC01	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/DK2009/050103	International filing date *(day/month/year)* 30 April 2009 (30.04.2009)	Priority date *(day/month/year)* 02 May 2008 (02.05.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant VESTAS WIND SYSTEMS A/S		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 02 November 2010 (02.11.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Nora Lindner e-mail: pt11.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/DK2009/050103	30.04.2009	02.05.2008

International Patent Classification (IPC) or both national classification and IPC
INV. E04H12/08 F16L23/02 F16L23/036

Applicant
VESTAS WIND SYSTEMS A/S

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	see form PCT/ISA/210	Delzor, François Telephone No. +31 70 340-3507

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/DK2009/050103

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

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

1. Statement

Novelty (N)	Yes:	Claims	1-34
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-34
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-34
	No:	Claims	

2. Citations and explanations

see separate sheet

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 documents:

D1 WO 2007/059768 A1 (VESTAS WIND SYS AS [DK]; KRISTENSEN JONAS [DK]) 31 May 2007 (2007-05-31) cited in the application

D2 WO 2008/003749 A1 (VESTAS WIND SYS AS [DK]; JENSEN SOEREN POUL [DK]; DAL KARSTEN [DK]; OL) 10 January 2008 (2008-01-10)

2. Independent claim 1 meets the requirements of the PCT with respect to novelty and inventive step for the following reasons.

Document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

A tower section (2b) for assembling a wind turbine tower (2), said tower section (2b) comprising

- a flange (8b) at least at one end of the tower section (2b) for connecting the tower section (2b), by means of connection elements (10) such as bolts (10), to a neighbouring flange (8a) of a neighbouring tower section (2a) or of a tower foundation, wherein

- the flange (8b) is provided with holes (18) for the connection elements, said holes (18) having an orifice intended for facing the neighbouring flange (8a) of the neighbouring tower section (2a) or of the tower foundation, and said flange (8b) of the tower section (2b) having

- a first array of holes (18), where each hole is arranged in a first angle relative to a longitudinal axis of the tower section (2b).

The subject - matter of claim 1 therefore differs from this known tower section in that , it is provided with a second array of holes, where each hole is arranged in a second angle relative to the longitudinal axis, where the first angle is different from the second angle, and is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as using a conventional tool (and not a specially designed tool) to tighten bolts with conventional polygonal heads in a tower flange connection presenting a high number of bolts.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) because:

- a flange of tower section like or pipe like elements presenting holes which are angled with regard to each other are not known from the state of the art, and

- the stress behaviour of a flange presenting such a combination of holes is not easily foreseen.

3. Claims 2-23,25-28 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

4. Independent claim 24 meets the requirements of the PCT with respect to novelty and inventive step for the following reasons.

Document D2 is regarded as being the closest prior art to the subject-matter of claim 24, and discloses (the references in parentheses applying to this document; see figures 5-8) a foundation (2) for assembling a wind turbine (1), said foundation comprising a flange (19) for connecting the foundation (2), by means of connection elements (11) such as bolts, to a bottom tower section (4) of a wind turbine (1), wherein the flange (19) is provided with holes for the connection elements (11), said flange (19) having a first array of holes, where each hole is arranged in a first angle relative to a longitudinal axis of the tower section (4).

The subject - matter of claim 24 therefore differs from this known tower section in that said flange is provided with a second array of holes, where each hole is arranged in a second angle relative to the longitudinal axis, where the first angle is different from the second angle, and is therefore new.

The problem to be solved by the present invention may be regarded as providing a foundation which can receive a tower section as defined in claim 1.

The skilled person would not have any other reason to provide a foundation flange having such a combination of holes. Therefore, the subject - matter of claim 24 provides an inventive step.

5. Independent process claim 29 is a method of assembling together two tower sections according to claim 1 and independent process claim 30 is a method of mounting a tower section according to claim 1 on a foundation according to claim 24.

As the tower section according to claim 1 is new and provides an inventive step these methods are new and provide an inventive step.

6. Claim 31 is dependent on claim 29 or on claim 30 and as such also meets the requirements of the PCT with respect to novelty and inventive step.

7. Claims 32-34 are considered to be dependent on claim 29 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

CLAIMS

1. A tower section for assembling a wind turbine tower, said tower section comprising
- a flange at least at one end of the tower section for connecting the tower section, by means of connection elements such as bolts, to a neighbouring flange of a neighbouring tower section or of a tower foundation, wherein
- the flange is provided with holes for the connection elements, said holes having an orifice intended for facing the neighbouring flange of the neighbouring tower section or of the tower foundation, and said flange of the tower section having
- a first array of holes, where each hole is arranged in a first angle (α) relative to a longitudinal axis of the tower section, and
- a second array of holes, where each hole is arranged in a second angle (β) relative to the longitudinal axis, and
- where the first angle (α) is different from the second angle (β).

2. A tower section according to claim 1, wherein the flange also is provided with a third array of holes, where each hole is arranged in a third angle (γ) relative to the longitudinal axis of the tower section, and where the third angle (γ) is different than the first angle (α) and is different than the second angle (β).

3. A tower section according to claim 1, wherein the first angle (α) is between 345 degrees (345°) and 15 degrees (15°) relative to the longitudinal axis of the tower section, preferably is between 355 degrees (355°) and 5 degrees (5°) relative to the longitudinal axis of the tower section, more preferred is arranged 0 degrees (0°), i.e. parallel, relative to the longitudinal axis of the tower section.

4. A tower section according to claim 1, wherein the second angle (β) is between 15 degrees (15°) and 75 degrees (75°) relative to the longitudinal axis of the tower section, preferably is between 30 degrees (30°) and 60 degrees (60°) relative to the longitudinal axis of the tower section, possibly is arranged 45 degrees (45°) relative to the longitudinal axis of the tower section.

5. A tower section according to claim 1 or claim 4, wherein the holes of the second array of holes are through-going holes.

6. A tower section according to claim 1 or claim 4, wherein the holes of the second array of holes are threaded holes.

7. A tower section according to claim 2, wherein the third angle (γ) is between 105 degrees (105°) and 165 degrees (165°) relative to the longitudinal axis of the tower section, preferably is between 120 degrees (120°) and 60 degrees (150°) relative to the longitudinal axis of the tower section, possibly is arranged 135 degrees (135°) relative to the longitudinal axis of the tower section.

8. A tower section according to claim 2 or claim 7, wherein the holes of the third array of holes are through-going holes.

9. A tower section according to claim 2 or claim 7, wherein the holes of the third array of holes are threaded holes.

10. A tower section according to any one of claims 1 or claims 3-6, wherein the sequence of the holes of the first array and the second array of holes is positioned along the flange circumferentially around the longitudinal axis of the tower section in such a way that the holes of the first array of holes is positioned at other angular positions along the flange than the holes of the second array of holes, when viewed in a plane perpendicular to the longitudinal axis of the tower section.

11. A tower section according to any one of claim 2 or claims 7-9, wherein the sequence of the holes of the third array of holes is positioned along the flange circumferentially around the longitudinal axis of the tower section in such a way that the holes of the third array of holes is positioned at other angular positions along the flange than the holes of the first array of holes and at other angular positions along the flange than the holes of the second array of holes, when viewed in a plane perpendicular to the longitudinal axis of the tower section.

12. A tower section according to any one of claims 1 or claims 3-6 or claim 10, said tower section capable of accommodating connection elements, and where
- assembly means, such as heads of bolts or nuts for bolts, of the connection elements are intended for being operated by an assembly tool when the

connection elements are in position in the holes of the first array and the second array of holes, and where
- the holes of the first array and the second array of holes are mutually placed along the flange so that the assembly means, when the connection elements are in position in the holes of the first array of holes and the second array of holes, exhibit an extension along the flange
- said extension of the assembly means along the flange allowing the assembly tool to interact with the assembly means of neighbouring connection elements only when the first angle (α) is different from the second angle (β).

13. A tower section according to any one of claims 2 or claims 7-9 or claim 11, said tower section capable of accommodating connection elements, and where
- assembly means, such as heads of bolts or nuts for bolts, of the connection elements are intended for being operated by an assembly tool when the connection elements are in position in the holes of the first array, the second array and the third array of holes, and where
- the holes of the first array, the second array and the third array of holes are mutually placed along the flange so that the assembly means, when the connection elements are in position in the holes of the first array, the second array and the third array of holes, exhibit an extension along the flange
- said extension of the assembly means along the flange allowing the assembly tool to interact with the assembly means of neighbouring connection elements only when the third angle (γ) is different from the first angle (α) and is different from the second angle (β).

14. A tower section according to any one of claims 2 or claims 7-9 or claim 11 or claim 13, where the sequence of holes is a hole of the first array, followed by a hole of the third array, subsequently followed by a hole of the second array and subsequently followed by another hole of the first array and so forth.

15. A tower section according to any one of claims 2 or claims 7-9 or claim 11 or claim 13, where the sequence of holes is a hole of the first array, followed by a hole of the third array, subsequently followed by another hole of the first array, subsequently followed by a hole of the second array and subsequently followed by even another hole of the first array and so forth.

16. A tower section according to any one of claims 1 or claims 3-6 or claim 10 or claim 12, where the sequence of holes is a hole of the first array followed by a hole of the second array, subsequently followed by another hole of the first array and subsequently followed by another hole of the first array, and so forth.

17. A tower section according to any one of claims 1-16, wherein the flange projects radially relative to the longitudinal axis of the tower section and extends inwards towards the interior of the tower section.

18. A tower section according to any one of claims 1-16, wherein the flange projects radially relative to the longitudinal axis of the tower section and extends outwards from the exterior of the tower section.

19. A tower section according to any one of claims 1-16, wherein the flange projects radially relative to the longitudinal axis of the tower section and extends both inwards towards the interior of the tower section and outwards from the exterior of the tower section.

20. A wind turbine tower comprising at least two tower sections according to any of claims 1-19.

21. A wind turbine tower comprising at least a tower section according to any of claims 1-19, said tower section being a bottom tower section, and said wind turbine tower also comprising a foundation, and where said bottom tower section is attached to the foundation.

22. A wind turbine tower according to claim 20 or claim 21, where the first array of holes both of the one tower section and of the other tower section are through-going holes adapted for connection elements consisting in threaded bolts and nuts, and where the second array of holes are through-going holes in the one tower section and are threaded holes in the other tower section, respectively, said second array of holes adapted for connection elements consisting in threaded bolts only intended for engagement with the threaded holes of the tower sections.

23. A wind turbine tower according to claim 22, where the third array of holes are through-going holes in the one tower section and are threaded holes in the other tower section, respectively, said third array of holes adapted for connection elements consisting in threaded bolts only intended for engagement with the threaded holes of the tower sections.

24. A foundation for assembling a wind turbine, said foundation comprising a flange for connecting the foundation, by means of connection elements such as bolts, to a bottom tower section of a wind turbine, wherein the flange is provided with holes for the connection elements, said flange having a first array of holes, where each hole is arranged in a first angle (α) relative to a longitudinal axis of the tower section, and a second array of holes, where each hole is arranged in a second angle (β) relative to the longitudinal axis, and where the first angle (α) is different from the second angle (β).

25. A wind turbine comprising a tower with at least two tower sections according to any of claims 1-19.

26. A wind turbine comprising a tower section according to any of claims 1-19, said tower section being a bottom tower section, and said wind turbine also comprising a foundation, and where said bottom tower section is attached to the foundation.

27. A wind turbine according to claim 25 or claim 26, where the first array of holes both of the one tower section and of the other tower section are through-going holes adapted for connection elements consisting in threaded bolts and nuts, and where the second array of holes are through-going holes in the one tower section and are threaded holes in the other tower section, respectively, said second array of holes adapted for connection elements consisting in threaded bolts only intended for engagement with the threaded holes of the tower sections.

28. A wind turbine according to claim 27, where the third array of holes are through-going holes in the one tower section and are threaded holes in the other tower section, respectively, said third array of holes adapted for connection

elements consisting in threaded bolts only intended for engagement with the threaded holes of the tower sections.

29. Method for assembling a wind turbine tower at a wind turbine site, said wind turbine comprising at least one tower section, said method comprising the steps of:
- providing a bottom tower section and
positioning another tower section along the bottom tower section and securing said other tower section to the bottom tower section by means of connection elements, wherein
securing of the other tower section to the bottom tower sections is performed
- by inserting connection elements in a first array of holes in flanges of the bottom tower section and the other tower section, in a first angle, possibly parallel, relative to a longitudinal axis of the tower sections, said holes of the bottom tower section having an orifice intended for facing a flange of the other tower section, and operating an assembly tool for fastening the connection elements extending along the first array of holes, and
- by inserting connection elements in a second array of holes in flanges of the bottom tower section and the other tower section, at a second angle relative to the longitudinal axis of the tower sections, and operating an assembly tool for fastening the connection elements extending along the second array of holes.

30. Method for assembling a wind turbine tower at a wind turbine site, said wind turbine comprising a foundation and at least one tower section, said method comprising the steps of:
- positioning a tower section on the foundation and preliminary or subsequently securing said bottom tower section to the foundation by means of connection elements, wherein securing of the tower section to the foundation is performed
- by inserting connection elements in a first array of holes in flanges of the foundation and the tower section, in a first angle, possibly parallel, relative to a longitudinal axis of the tower section, said holes of the tower section having an orifice intended for facing a flange of the tower foundation, and operating an assembly tool for fastening the connection elements extending along the first array of holes, and
- by inserting connection elements in a second array of holes in flanges of the

foundation and the tower section, at a second angle relative to the longitudinal axis of the tower section, and operating an assembly tool for fastening the connection elements extending along the second array of holes.

31. Method according to claim 29 or claim 30, said method furthermore comprising the step of inserting connection elements in a third array of holes in flanges of the bottom tower section and the other tower section, at a third angle relative to the longitudinal axis of the tower sections, and operating an assembly tool for fastening the connection elements extending along the third array of holes.

32. Use of connection elements extending through a first array and a second array of holes of a wind turbine tower flange for assembling a wind turbine tower section to a neighbouring wind turbine tower section or to a wind turbine tower foundation at a wind turbine site, said first array of holes being arranged in a first angle (α) relative to a longitudinal axis of the tower section, and said second array of holes being arranged in a second angle (β) relative to the longitudinal axis, and where the first angle (α) is different from the second angle (β).

33. Use according to claim 32, said use comprising connection elements extending through a third array of holes being arranged in a third angle (γ) relative to the longitudinal axis of the tower section, and where the third angle (γ) is different than the first angle (α) and is different than the second angle (β).

34. Use according to claim 32 or claim 33, said use comprising connection elements extending at an angle (α) between 345 degrees (345°) and 15 degrees (15°) relative to the longitudinal axis of the tower section, preferably between 355 degrees (355°) and 5 degrees (5°) relative to the longitudinal axis of the tower section, more preferred at 0 degrees (0°), i.e. parallel, relative to the longitudinal axis of the tower section.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/990,660	03/15/2011	Jesper Staerke Rosengren	VWS-190US	1742

83583 7590 04/28/2011
Wood, Herron & Evans, LLP (Vestas Wind Systems)
441 Vine Street
2700 Carew Tower
Cincinnati, OH 45202

EXAMINER

ART UNIT	PAPER NUMBER
3633	

NOTIFICATION DATE	DELIVERY MODE
04/28/2011	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):

amalik@whepatent.com
eobrien@whepatent.com
USPTODOCK@whepatent.com

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www.uspto.gov

APR 27 2011

Wood, Herron & Evans, LLP (Vestas Wind Systems)
441 Vine Street
2700 Carew Tower
Cincinnati OH 45202

In re application of	:	**DECISION ON REQUEST TO**
Jesper Staerke Rosengren	:	**PARTICIPATE IN PATENT**
Application No. 12/990,660	:	**PROSECUTION HIGHWAY**
Filed: November 02, 2010	:	**PROGRAM AND PETITION**
For: TOWER SECTION FOR A WIND	:	**TO MAKE SPECIAL UNDER**
TURBINE TOWER	:	**37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 1, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of preliminary amendment filed on April 1, 2011, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 04/26/11

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MAILED
03 FEB 2011
PCT LEGAL ADMINISTRATION

In re Application of
BREMNER, Callum
U.S. Application No.: 12/990,675
PCT No.: PCT/AU2008/000601
Int. Filing Date: 04 May 2008
Priority Date: 04 May 2007
Attorney Docket No.: 1024US-BREMNER
For: PROCESS FOR WATER TREATMENT AND RECOVERY OF INDUSTRIAL WASTE WATER

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the petition to withdraw the holding of abandonment pursuant to 37 CFR 1.181 filed 13 December 2010.

Applicant's petition is hereby **GRANTED**.

Applicant filed papers to enter the U.S. national stage of PCT/AU2008/000601 on 02 November 2010 which was accompanied by, *inter alia*, the U.S. Basic National Fee, Search Fee, and Examination Fee.

On 23 November 2010, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) to applicant for failing to timely provide the full U.S. Basic National Fee by thirty-months pursuant to 37 CFR 1.495(b)(2).

In the petition to withdraw the holding of abandonment, applicant claims that the thirty-month deadline had not expired as the priority claim was withdrawn in the international phase pursuant to PCT Rule 90bis.3. Therefore, the national stage application was timely filed.

A review of international records show that the priority application (2007902340 04.05.2007 AU) was withdrawn on 30 October 2009. As such, the earliest claimed priority date is the international filing date of 04 May 2008. *See* 37 CFR 1.465. Thus, the thirty-month period did not expire until 04 November 2010.

Accordingly, the Form PCT/DO/EO/909 mailed 23 November 2010 was sent in error, and is hereby **VACATED**.

The foreign priority claim has been removed in the subject application.

This application is being forwarded to the DO/EO/US for further 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

MAILED
OCT 20 2011
PCT LEGAL ADMINISTRATION

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
BONRATH et al.	:	
Application No.: 12/990,709	:	DECISION
PCT No.: PCT/EP2009/055692	:	
Int. Filing Date: 12 May 2009	:	
Priority Date: 13 May 2008	:	
Attorney Docket No.: BHD-4662-1717	:	
For: ALLYL AND PROPARGYL ETHERS	:	

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN UNAVOIDABLY ABANDONED APPLICATION" filed 19 August 2011, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 12 May 2009, applicants filed international application PCT/EP2009/055692 which designated the U.S. and claimed a priority date of 13 May 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 November 2010 (13 November 2010 being a Saturday).

On 02 November 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 23 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (FORM PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 16 August 2011, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 November 2010 within the time period set therein.

On 19 August 2010, applicants filed the instant petition under 37 CFR 1.181 to withdraw the holding of abandonment.

DISCUSSION

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1) and (2) have been satisfied.

As to item (3), MPEP § 711.03(c), para. I.A. states that a "copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action." A copy of such a master docket record has been provided. The other documentation submitted with the petition has also been reviewed. These documents also support the conclusion that the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 November 2010 was not received. Thus, item (3) has been met as well.

Declaration of Inventors

The declaration of inventors filed 19 August 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

The NOTIFICATION OF MISSING REQUIREMENTS mailed 23 November 2010 is VACATED.

The NOTIFICATION OF ABANDONMENT mailed 16 August 2011 is VACATED.

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

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

/Daniel Stemmer/

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/990,747	Filing date:	November 2, 2010
First Named Inventor:	Tony Read		
Title of the Invention:	Golf Ball Dispenser		

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

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

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

The corresponding PCT application number(s) is/are: PCT/GB2009/001052

The international date of the corresponding PCT application(s) is/are: 24 April 2009

I. List of Required Documents:

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

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

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

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

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

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

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

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.:	12/990,747
First Named Inventor:	Tony Read

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 2, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 2, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
2	2	original dependent claim placed in independent form
6	6	original dependent claim placed in independent form
8	8	original dependent claim placed in independent form

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

Signature		Date	5 November 2010
Name (Print/Typed)	Everett G. Diederiks, Jr.	Registration Number	33,323

Privacy Act Statement

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

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

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

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
FRANK B. DEHN & CO.
St. Bride's House
10 Salisbury Square
London EC4Y 8JD
GRANDE BRETAGNE

FR 66 98460/01
15 JUL 2009
Frank B. Dehn & Co.
ANTRO

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

	Date of mailing (day/month/year) 15/07/2009
Applicant's or agent's file reference 66.98460/01	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/GB2009/001052	International filing date (day/month/year) 24/04/2009
Applicant READ, Tony	

1. [x] The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

   Filing of amendments and statement under Article 19:
   The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Fascimile No.: (41–22) 338.82.70

   For more detailed instructions, see the notes on the accompanying sheet.

2. [ ] The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. [ ] **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

   [ ] the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

   [ ] no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

   Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

   Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

   In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

   See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Elisabeth Vonk

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims,description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

(i) the claim is unchanged;

(ii) the claim is cancelled;

(iii) the claim is new;

(iv) the claim replaces one or more claims as filed;

(v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."

2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."

3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."

4. [Where various kinds of amendments are made]:
"Claims 1–10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1*bis*(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43*bis*.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 66.98460/01	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/GB2009/001052	International filing date *(day/month/year)* 24/04/2009	(Earliest) Priority Date *(day/month/year)* 02/05/2008
Applicant READ, Tony		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

[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. 5
      [X] as suggested by the applicant
      [ ] as selected by this Authority, because the applicant failed to suggest a figure
      [ ] as selected by this Authority, because this figure better characterizes the invention
   b. [ ] none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No
PCT/GB2009/001052

A. CLASSIFICATION OF SUBJECT MATTER
INV. A63B47/00
ADD. A63B55/02

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)
A63B

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	FR 2 635 269 A1 (KAMATA HIDEO [FR]) 16 February 1990 (1990-02-16) page 4, line 13 - line 35	1,7, 11-12
X	US 6 419 600 B1 (YORK MICHAEL T [US] ET AL) 16 July 2002 (2002-07-16) column 5, line 19 - line 40; figures 2-5	1,7, 11-12
X	US 5 147 101 A (TILLER RALPH [US]) 15 September 1992 (1992-09-15) abstract; figures	1,7, 11-12
X	US 4 781 307 A (FERRO ERNEST [US]) 1 November 1988 (1988-11-01) column 5, line 39 - column 6, line 11; figures 1-3,7-10	1,7, 11-12

-/--

[X] Further documents are listed in the continuation of Box C

[X] See patent family annex

* Special categories of cited documents

"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier document but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
7 July 2009	15/07/2009

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	Jones, Mark

Form PCT/ISA/210 (second sheet) (April 2005)

INTERNATIONAL SEARCH REPORT

International application No
PCT/GB2009/001052

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No
A	US 2004/004097 A1 (SEENAUTH HAROLD [US]) 8 January 2004 (2004-01-08) claim 2	8

1

Form PCT/ISA/210 (continuation of second sheet) (April 2005)

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/GB2009/001052

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
FR 2635269	A1	16-02-1990	NONE		
US 6419600	B1	16-07-2002	GB	2367760 A	17-04-2002
US 5147101	A	15-09-1992	NONE		
US 4781307	A	01-11-1988	EP	0272001 A2	22-06-1988
			JP	1131683 A	24-05-1989
US 2004004097	A1	08-01-2004	NONE		

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/GB2009/001052	24.04.2009	02.05.2008

International Patent Classification (IPC) or both national classification and IPC
INV. A63B47/00
ADD. A63B55/02

Applicant
READ, Tony

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 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 P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	see form PCT/ISA/210	Jones, Mark Telephone No. +31 70 340-2048

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

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

1. Statement

Novelty (N)	Yes:	Claims	1-10
	No:	Claims	11-12
Inventive step (IS)	Yes:	Claims	2-6, 8-10
	No:	Claims	1, 7, 11-12
Industrial applicability (IA)	Yes:	Claims	1-12
	No:	Claims	

2. Citations and explanations

see separate sheet

1 Reference is made to the following document:
D1 : FR 2 635 269 A1 (KAMATA HIDEO [FR]) 16 February 1990 (1990-02-16)

2 Claim 1 comprises all the features of claim 11 and is therefore not appropriately formulated as a claim dependent on the latter (Rule 6.4 PCT). In the following paragraphs claim 1 will be treated as dependent on claim 11.

3 INDEPENDENT CLAIM 11

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 11 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (the references in parentheses applying to this document):

A golf ball dispenser for storing a plurality of golf balls (3), said dispenser comprising an exit opening (17) through which the balls (3) are dispensed in use and an ejection lever (12) for ejecting a golf ball (3) through the exit opening (17) when activated, wherein the dispenser and lever (12) are configured so that as the lever (12) is moved towards the exit opening (17) so as to dispense a first ball (3) the lever (12) prevents the next ball (3) from moving towards the exit opening (17).

4 DEPENDENT CLAIMS 1, 7, 12
Dependent claims 1, 7, 12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

5 DEPENDENT CLAIMS 2-6, 8-10

The combination of the features of dependent claims 2-6, 8-10 are neither known from, nor rendered obvious by, the available prior art.

UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
12/990,747	11/23/2010	Tony Read	DEH101US	2530

27137 7590 03/09/2011
DIEDERIKS & WHITELAW, PLC
13885 HEDGEWOOD DR., SUITE 317
WOODBRIDGE, VA 22193

EXAMINER

ART UNIT	PAPER NUMBER
3651	-

MAIL DATE	DELIVERY MODE
03/09/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 9 2011

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DIEDERIKS & WHITELAW, PLC
13885 HEDGEWOOD DR., SUITE 317
WOODBRIDGE VA 22193

In re application of Tony Read Application No. 12/990,747 Filed: November 23, 2010 For: GOLF BALL DISPENSER	:	**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 2, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH pilot program 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 7 and 12 have no corresponding allowable/patentable claims in the EPO PCT application PCT/GB2009/001052.

Note, claims 7 and 12 are dependent on cancelled claim 1.

Claims 7 and 12 should be cancelled.

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: 03/09/11

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.
12/990,747	11/23/2010	Tony Read	DEH101US	2530

27137 7590 04/27/2011
DIEDERIKS & WHITELAW, PLC
13885 HEDGEWOOD DR., SUITE 317
WOODBRIDGE, VA 22193

EXAMINER
RANDALL, JR., KELVIN L

ART UNIT	PAPER NUMBER
3651	

MAIL DATE	DELIVERY MODE
04/27/2011	PAPER

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

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

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APR 27 2011

DIEDERIKS & WHITELAW, PLC
13885 HEDGEWOOD DR., SUITE 317
WOODBRIDGE VA 22193

In re application of Tony Read Application No. 12/990,747 Filed: November 23, 2010 For: GOLF BALL DISPENSER	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 6, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of renewed petition, filed on April 6, 2011, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 04/26/11

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:	12/990,766	Filing date:	December 8, 2010
First Named Inventor:	Vamsee K. Pamula		
Title of the Invention:	Method of Effecting Coagulation in a Droplet		

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/US2009/042699

The international filing date of the corresponding PCT application(s) is/are: May 4, 2009

I. List of Required Documents:

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

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.:	12/990,766
First Named Inventor:	Method of Effecting Coagulation in a Droplet

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 2, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 2, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-29	1-29	Corresponding claims selected in Preliminary Amendment in U.S. National Stage
		filing deemed patentable in corresponding PCT case

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

Signature /E. Eric Mills/	Date 02-17-2011
Name (Print/Typed) E. Eric Mills	Registration Number 47,795

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.
12/990,766	12/08/2010	Vamsee K. Pamula	060885-00279.099PCT/US	2765

67945 7590 05/23/2011
ADVANCED LIQUID LOGIC, INC.
C/O WARD AND SMITH, P.A.
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN, NC 28563-0867

EXAMINER
SAUCIER, SANDRA E

ART UNIT	PAPER NUMBER
1657	

NOTIFICATION DATE	DELIVERY MODE
05/23/2011	ELECTRONIC

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

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

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

patents@wardandsmith.com
patents@liquid-logic.com
eem@wardandsmith.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAY 2 3 2011

ADVANCED LIQUID LOGIC, INC. C/O WARD AND SMITH, P.A.
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN, NC 28563-0867

In re Application of PAMULA ET AL. Application No. 12/990,766 Filed: December 8, 2010 Attorney Docket No. 060885-00279.099PCT/US	: : : : : :	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 Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed February 17, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national stage application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application;
(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application;
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language;
(6) Applicant must submit the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product

of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an IDS listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH program and petition fails to comply with the requirement because:

(7) The claims correspondence table does not 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.

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

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

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

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

Cecilia Tsang

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Pamula et al. Confirmation No.: 2765

Serial No.: 12/990,766 Art Unit: 1657

Filed: 12/08/2010 Examiner: Saucier, Sandra E.

Docket No.: 060885-00279.099PCT/US

For: Method of Effecting Coagulation in a Droplet

RESPONSE TO DECISION DISMISSING PETITION TO MAKE SPECIAL UNDER PCT-PPH

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

Sir:

This is pursuant to the Decision on Request to Participate in Patent Prosecution Highway Program and Petition to Make Special under 37 CFR 1.102(a) dated May 23, 2011 having a response date of one month or thirty days from the date of mailing, whichever is longer. Enclosed herewith is a revised Request for Participation in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) Pilot Program, including a revised claims correspondence table.

The decision dismissing applicants' petition to make special under the PCT-PPH indicated the applicants failed to provide a claims correspondence table indicating 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.

Applicants submit that the revised claims correspondence table submitted herewith indicates how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international

work product. Specifically, claims 1-29 of the PCT Application were selected in the Preliminary Amendment for the U.S. National Stage application. No international search report has been established for claims 8-12 and 16-29, so the question of novelty, inventive step, and industrial applicability was not examined in the Written Opinion of the ISA's latest international work product. However, claims 8-12 and 16-29 all depend from claim 1, which was determined by the ISA in its Written Opinion to have novelty, inventive step, and industrial applicability. Thus, based on their dependency on claim 1, claims 8-12, 16-29 are novel, have an inventive step, and industrial applicability. Thus, even though claims 8-12 and 16-29 were not specifically searched and examined by the ISA in its Written Opinion, claims 1-29 all have novelty, inventive step, and industrial applicability because claim 1 was searched and examined by the ISA in its Written Opinion and found to have novelty, inventive step, and industrial applicability and claims 2-29 are all dependent on claim 1.

Although it is believed no fee is required, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment associated with this filing to Deposit Account Number 50-3976.

Please contact us with any questions at 252-672-5400.

Respectfully Submitted,

Ward and Smith, P.A.

Date: May 25, 2011

/Ryan Simmons/
Ryan K. Simmons
Registration No. 45,848

Enclosure

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:	12/990,766	Filing date:	December 8, 2010
First Named Inventor:	Vamsee K. Pamula		
Title of the Invention:	Method of Effecting Coagulation in a Droplet		

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/US2009/042699

The international filing date of the corresponding PCT application(s) is/are: May 4, 2009

I. List of Required Documents:

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

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.:	12/990,766
First Named Inventor:	Vamsee K. Pamula

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 2, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 2, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-29	1-7, 13-15	Claims 1-29 of the PCT Application were selected in the Preliminary Amendment
		for the U.S. National Stage. No international search report has been established
		for claims 8-12, 16-29, so the question of novelty, inventive step,
		industrial applicability was not examined in the latest Written Opinion of the ISA.
		However, claims 8-12 and 16-29 all depend from claim 1, which was determined
		by the ISA in its Written Opinion to have novelty, inventive step, and industrial
		applicability. Thus, based on their dependency on claim 1, claims 8-12 and
		16-29 are novel, have an inventive step, and industrial applicability.

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

Signature /Ryan Simmons/	Date 5/xx/2011
Name (Print/Typed) Ryan K. SImmons	Registration Number 45848

Privacy Act Statement

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

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

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

PTO/SB/20PCT-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.:	12/990,816	Filing Date:	November 3, 2010
First Named Inventor:	Shinya HIROTA et al.		
Attorney Docket No.:	147453		
Title of the Invention:	EXHAUST PURIFICATION APPARATUS FOR INTERNAL COMBUSTION ENGINE		

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/JP2010/000184

The international date of the corresponding PCT application(s) is/are: January 14, 2010

I. **List of Required Documents:**

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

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

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

(continued)

Application No.:	12/990,816
First Named Inventor:	Shinya HIROTA 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 November 3, 2010; September 27, 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 November 3, 2010; September 27, 2011.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
U.S. Claim 1	PCT Claim 1	U.S. claim 1 substantially corresponds to PCT Claim 1.
U.S. Claim 2	PCT Claim 2	U.S. claim 2 substantially corresponds to PCT Claim 2.
U.S. Claim 3	PCT Claim 3	U.S. claim 3 substantially corresponds to PCT Claim 3.
U.S. Claim 4	PCT Claim 4	U.S. claim 4 substantially corresponds to PCT Claim 4 without multiple dependencies.
U.S. Claim 5	PCT Claim 5	U.S. claim 5 substantially corresponds to PCT Claim 5 without multiple dependencies.
U.S. Claim 6	PCT Claim 6	U.S. claim 6 substantially corresponds to PCT Claim 6.
U.S. Claim 7	PCT Claim 7	U.S. claim 7 substantially corresponds to PCT Claim 7 without multiple dependencies.

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

Signature W. Scott Strickland	Date January 26, 2012
Name (Print/Typed) James A. Oliff	Registration Number 27,075
Name (Print/Typed) W. Scott Strickland	Registration Number 63,299

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing;
Charge any fee due to our Deposit Account No. 15-0461

Privacy Act Statement

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

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

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

I. List of Required Documents

a. A copy of the latest international work products (WO/ISA, WO/IPEA, or IPER) of the corresponding PCT application

- Not attached - Already Filed

I. List of Required Documents

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability of the corresponding PCT application

- Not attached - Already Filed

I. List of Required Documents

c. English translation of the document in a. is not attached - already submitted.

A statement that the English translation is accurate is attached for the claims which were indicated as having novelty, inventive step and industrial applicability which are already in the U.S. application as indicated in item b. above.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of
Inventor: Shinya HIROTA et al
Application No. 12/990,816
Title: EXHAUST PURIFICATION APPARATUS FOR INTERNAL COMBUSTION ENGINE

VERIFIED TRANSLATION OF DOCUMENTS CONCERNING PCT INTERNATIONAL APPLICATION

The undersigned, of the below address, hereby certifies that he well knows both the English and Japanese Languages, and that the attached are accurate translations of the documents listed below concerning PCT International Application No. PCT/JP2010/000184

Patentable claims

Signed this 19th day of December, 2011

Signature: H. Hashirayama
Name: Hiroyuki HASHIRAYAMA
Address: No. 6-20, Akasaka 2-Chome
Minato-ku Tokyo 107-0052 Japan

I. List of Required Documents

d. Information Disclosure Statement listing the documents cited in the International work products (WO/ISA, WO/IPEA, or IPER) of the corresponding PCT application

- The reference cited in the Written Opinion was submitted in an Information Disclosure Statement filed on November 3, 2010.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
FEB 24 2012
OFFICE OF PETITIONS

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

In re Application of
Shinya HIROTA et al.
Application No. 12/990,816
Filed: November 3, 2010
Atty. Docket No.: 147453
For: EXHAUST PURIFICATION APPARATUS FOR INTERNAL COMBUSTION ENGINE

: 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 26, 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 3748 for action commensurate with this decision.

David Bucci
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:	12/990,853	Filing date:	November 3, 2010
First Named Inventor:	Michael J. Levy		
Title of the Invention:	Biopsy Devices		

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/US2009/041803

The international filing date of the corresponding PCT application(s) is/are: April 27, 2009

I. List of Required Documents:

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

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

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

(continued)

Application No.:	12/990,853
First Named Inventor:	Michael J. Levy

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 3, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 3, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
3	3, 1, 2	see blackline comparison in Attachment B
4	4,1, 2	see blackline comparison in attachment B
5	5	see blackline comparison in Attachment B
6	6	see blackline comparison in Attachment B
7	7,1	see blackline comparison in Attachment B
2	2	see blackline comparison in Attachment B

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

Signature /Heidi A. Dare/	Date April 27, 2011
Name (Print/Typed) Heidi A. Dare	Registration Number 50,775

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on the below date:

Date: April 27, 2011 Name: Heidi A. Dare, Reg. No. 50,775 Signature: /Heidi A. Dare/

Attorney Docket No. 10000-2165
Client Ref. No. PA-6667-PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
	)
Michael J. Levy	)
	)
Serial No. 12/990,853	)
	)
Filing Date: November 3, 2010	)
	)
For: Biopsy Devices	)
	)

SUPPLEMENT TO THE REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM

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

Dear Sir:

Applicant hereby submits this supplement to the completed PTO/SB/20PCT-KR form in which Applicant requests participation in the Patent Prosecution Highway (PPH) Program between the Korean Intellectual Property Office (KIPO) and the U.S. Patent and Trademark Office (USPTO). The application includes claims that sufficiently correspond to the claims of PCT/US2009/041803, which received a positive Written Opinion.

The present application was filed on November 3, 2010, and is a national stage application of PCT/US2009/041803. PCT/US2009/041803 was filed on April 27, 2009, in the U.S. receiving office and claims priority to U.S. provisional application 61/051,427 filed May 8, 2008.

The claims in the present application sufficiently correspond to the claims of PCT/US2009/041803, which received a positive Written Opinion and therefore Applicant believes that the above-identified application is eligible to participate in the PPH program.

PCT/US2009/041803 includes 7 claims. A copy of the claims of PCT/US2009/041803 are attached hereto as "Attachment A". The present application includes 6 claims. Claims 3, 4 and 7 have been rewritten as independent claims and claim 1 has been cancelled, resulting in one fewer claim pending in the present application. A comparison document showing the above-described differences between the claims of PCT/US2009/041803 and the claims of the present application is attached hereto as "Attachment B". As can be seen in Attachment B, the differences between the claims of PCT/US2009/041803 and the claims of the present application are minimal. As such, the claims of the present application sufficiently correspond to the claims of PCT/US2009/041803.

A copy of the Written Opinion was previously submitted with the IDS filed on November 3, 2010. As can be seen claims 3-7 were deemed to have novelty and claims 3 and 5-7 were deemed to have inventive step. Claims 1-7 were deemed to have industrial applicability.

Therefore, Applicant believes the above-identified application is eligible to participate in the PPH program.

Respectfully submitted,

/Heidi A. Dare/

Heidi A. Dare
Registration No. 50,775
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

ATTACHMENT A

WHAT IS CLAIMED IS:

1. A biopsy device comprising:

(a) a proximal handle,

(b) a distally extending elongate sheath having a proximal end coupled to said proximal handle, a distal end, and a lumen extending through the length of said elongate sheath from said proximal end to said distal end,

(c) a needle disposed within said lumen, and

(d) a means for controlling the size of a biopsy sample.

2. The biopsy device of claim 1, wherein said needle comprises a distal end having a tip and, adjacent to said tip, a recessed portion adapted to contain a tissue sample.

3. The biopsy device of claim 1, wherein said tip has a length between about 1 mm and about 3 mm.

4. The biopsy device of claim 1, wherein said needle comprises one or more echogenic markings adjacent to said distal end.

5. The biopsy device of claim 4, wherein said echogenic markings are disposed on said recessed portion.

6. The biopsy device of claim 4, wherein said echogenic markings are disposed adjacent to both sides of said recessed portion.

7. A kit comprising the biopsy device of claim 1, and a plurality of adapters for controlling the size of a biopsy sample.

ATTACHMENT B

IN THE CLAIMS:

1. Cancelled.

2. (Currently Amended) The ~~biopsy device~~ kit of claim ~~1~~ 7, wherein said needle comprises a distal end having a tip and, adjacent to said tip, a recessed portion adapted to contain a tissue sample.

3. (Currently Amended) ~~The biopsy device of claim 1, wherein~~ A biopsy device comprising:

a proximal handle,

a distally extending elongate sheath having a proximal end coupled to said proximal handle, a distal end, and a lumen extending through the length of said elongate sheath from said proximal end to said distal end,

a needle disposed within said lumen, said needle comprising a distal end having a tip, said tip has a length between about 1 mm and about 3 mm, and

a means for controlling the size of a biopsy sample.

4. (Currently Amended) ~~The biopsy device of claim 1, wherein~~ A biopsy device comprising:

a proximal handle,

a distally extending elongate sheath having a proximal end coupled to said proximal handle, a distal end, and a lumen extending through the length of said elongate sheath from said proximal end to said distal end,

a needle disposed within said lumen, said needle comprising a distal end having a tip and, adjacent to said tip, a recessed portion adapted to contain a tissue sample, said needle ~~comprises~~ comprising one or more echogenic markings adjacent to said distal end, and

a means for controlling the size of a biopsy sample.

5. (Previously Presented) The biopsy device of claim 4, wherein said echogenic markings are disposed on said recessed portion.

6. (Previously Presented) The biopsy device of claim 4, wherein said echogenic markings are disposed adjacent to both sides of said recessed portion.

7. A kit comprising: ~~the biopsy device of claim 1,~~

a biopsy device comprising:

a proximal handle,

a distally extending elongate sheath having a proximal end coupled to said proximal handle, a distal end, and a lumen extending through the length of said elongate sheath from said proximal end to said distal end,

a needle disposed within said lumen, and

a means for controlling the size of a biopsy sample, and

a plurality of adapters for controlling the size of a biopsy sample.

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John Alumit
16830 Ventura Blvd. Suite 360
Encino, CA 91436

MAILED
NOV 22 2011
PCT LEGAL ADMINISTRATION

In re Application of :
AKSAKAL, Orhan Seyfi :
Application No.: 12/990,856 :
PCT No.: PCT/TR2009/000070 :
Int. Filing Date: 05 June 2009 :
Priority Date: 06 June 2008 :
Attorney Docket No.: 23480-001 :
For: A REMOTE CONTOL MECHANISH FOR AN ATRAUMATIC SURGICAL MEEDLE :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 21 October 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the 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 required reply (additional claim fees of $325) 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 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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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/990,908	11/03/2010	Kentarou Takeda	101331	4192

38834 7590 03/23/2011
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER
CHEN, VIVIAN

ART UNIT	PAPER NUMBER
1787	

NOTIFICATION DATE	DELIVERY MODE
03/23/2011	ELECTRONIC

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

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

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

patentmail@whda.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

March 22, 2011 WG

In re application of Kentarou Takeda et al. Serial No. 12/990,908 Filed: November 3, 2010 For: MATERIAL ROLL AND METHOD FOR MANUFACTURING MATERIAL ROLL	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE 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 December 13, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

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

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

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

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

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

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

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Alexandria, VA 22313-1450
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MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP – PATENTS
501 SOUTH 5TH STREET, 3RD FLOOR
RICHMOND VA 23219-0501

MAILED
NOV 18 2011
OFFICE OF PETITIONS

Applicant: Everett Crews, et al.
Appl. No.: 12/990,911
International Filing Date: April 28, 2009
Title: ROSIN OIL-MODIFIED BITUMEN AND THE BITUMINOUS COMPOSITION CONTAINING THEREOF
Attorney Docket No.: 0520-USPCT
pub. No.: US 20110082240 A1
Pub. Date: April 7, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 13, 2011, for the above-identified application. The request for a corrected filing receipt will be processed separately.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error on the front page of the application wherein one of the two inventors' names has been omitted.

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

The error on the front page of the publication wherein one of the inventor's name was omitted may be an Office error, but it is not a material Office error under 37 CFR 1.221(b). The omission of an inventor's name does not affect the understanding of the application. The error in the inventor's name is not a material mistake because it does not affect the public's ability to

[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).

appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130.

On December 23, 2011, a Filing Receipt was mailed by the Office, which listed only one of the two inventor's names. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to use and submit an **eADS** (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

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

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

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

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

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

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

United States Patent and Trademark Office

Commissioner for Patents
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www.uspto.gov

MAILED

JAN 03 2011

PCT LEGAL ADMINISTRATION

HOWARD & HOWARD ATTORNEYS PLLC
450 West Fourth Street
Royal Oak MI 48067

In re Application of	:	
Pogue et al.	:	
Application No.: 12/990,936	:	DECISION
PCT No.: PCT/US2009/001576	:	
Int. Filing Date: 12 March 2009	:	ON
Priority Date: 21 March 2008	:	
Attorney Docket No.: 060783.00008	:	PETITION
For: Online Classroom Quality	:	
Control System And Method	:	

The petition to revive under 37 CFR 1.137(b) filed on 03 November 2010 in the above-captioned application is hereby **GRANTED** as follows:

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

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

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/990,985	Filing Date:	November 4, 2010
First Named Inventor:	Koji KITAGAWA et al.		
Attorney Docket No.:	147454		
Title of the Invention:	METHOD FOR SLICING WORKPIECE		

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/JP2009/002516

The international date of the corresponding PCT application(s) is/are: June 4, 2009

I. **List of Required Documents:**

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

☒ Is attached.

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

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

☐ Is attached.

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

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

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

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.:	12/990,985
First Named Inventor:	Koji KITAGAWA 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 November 4, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on November 4, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
7-8	1-2	The claims are the same
9-10	3	Sufficiently Correspond Notwithstanding the PCT Multiple Dependency
11-14	4	Sufficiently Correspond Notwithstanding the PCT Multiple Dependency
15-18	5	Sufficiently Correspond Notwithstanding the PCT Multiple Dependency
19-22	6	Sufficiently Correspond Notwithstanding the PCT Multiple Dependency

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

Signature	Date March 31, 2011
Name (Print/Typed) William P. Berridge	Registration Number 30,024
Name (Print/Typed) Edward J. Wise	Registration Number 34,523

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing;
Charge any fee due to our Deposit Account No. 15-0461

Privacy Act Statement

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

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

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

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.
12/990,985	11/04/2010	Koji Kitagawa	147454	5295

25944 7590 04/04/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
HAIL, JOSEPH J

ART UNIT	PAPER NUMBER
3723	

NOTIFICATION DATE	DELIVERY MODE
04/04/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of	:	
KITAGAWA, KOJI et al	:	DECISION ON REQUEST TO
Application No. 12/990,985	:	PARTICIPATE IN PATENT
Filed: 11/04/2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 147454	:	PROGRAM AND PETITION
For: METHOD FOR SLICING WORKPIECE	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 31, 2011 to make the above-identified application special.

The request and petition are granted.

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

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

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

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Joseph Hail, SPE of Art Unit 3723, and 571-272-4730 for Class 126/12 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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DEC 03 2010

PCT LEGAL ADMINISTRATION

In re Application of:
ADAMS, Jerry, Leroy, et al.
U.S. Application No.: 12/991,004
PCT No.: PCT/US2009/042682
International Filing Date: 04 May 2009
Priority Date: 06 May 2008
Attorney Docket No.: PR62987USw
For: BENZENE SULFONAMIDE THIAZOLE AND OXAZOLE COMPOUNDS

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR §1.47(a)" filed 04 November 2010. Applicants have paid $130 as the petition fee; however, the applicable petition fee is $200. Deposit Account No, 07-1392 will be charged the additional $70 necessary to complete the required petition fee.

BACKGROUND

On 04 May 2009, applicants filed international application PCT/US2009/04682. The international application claimed a priority date of 06 May 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., 06 November 2010.

On 04 November 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, declarations executed by 14 of the 15 inventors of record, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of non-signing co-inventor George ADJABENG, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing

inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition expressly states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by 14 of the 15 inventors of record, and the declarations include, as required, an unsigned signature block for the non-signing inventor, George ADJABENG. These declarations may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. Accordingly, item (3) of a grantable petition is satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, the petition states that counsel provided a copy of the application and a request for signature to the non-signing inventor via email and that, in response, the non-signing inventor sent counsel an email indicating he was unable to execute the declaration. However, applicants have not provided copies of the emails referred to in the petition, including the email containing the inventor's refusal. Such documents must be provided as documentary support for the assertions contained in the present petition before it can be concluded that the nonsigning inventor has refused to execute the application.

Based on the above, item (4) of a grantable petition is not satisfied on the present record.

CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)"

and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

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

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

/RichardMRoss/

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

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MAR 30 2011

PCT LEGAL ADMINISTRATION

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MAIL STOP: C.2111F
RESEARCH TRIANGLE PARK NC 27709-3398

In re Application of:	:	
ADAMS, Jerry, Leroy, et al.	:	
U.S. Application No.: 12/991,004	:	DECISION
PCT No.: PCT/US2009/042682	:	(37 CFR 1.47(a))
International Filing Date: 04 May 2009	:	
Priority Date: 06 May 2008	:	
Attorney Docket No.: PR62987USw	:	
For: BENZENE SULFONAMIDE	:	
THIAZOLE AND OXAZOLE	:	
COMPOUNDS	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 C.F.R. § 1.47(a)" filed 27 January 2011. No additional petition fee is required.[1]

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 03 December 2010. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable showing that the non-signing inventor refuses to execute the application or cannot be located after diligent effort.

On 27 January 2011, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition was accompanied by documentary support for the assertion that the non-signing inventor has refused to execute the application, including a copy of a statement of express refusal executed by the inventor. The materials provided with the renewed petition, in combination with the original petition, provide an acceptable showing that the non-signing inventor has refused to execute the application. Applicants have therefore satisfied the final outstanding element of a grantable petition under 37 CFR 1.47(a).

[1] The present renewed petition was accompanied by a $130 petition fee that will be refunded to Deposit Account No. 07-1392.

CONCLUSION

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

The application is accepted without the signature of non-signing co-inventor George ADJABENG.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the address of the non-signing inventor, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision.

/RichardMRoss/

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

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 30 2011

PCT LEGAL ADMINISTRATION

George ADJABENG
113 Thistle Top Trail
Apex, NC 27502

In re Application of: ADAMS, Jerry, Leroy, et al.
U.S. Application No.: 12/991,004
PCT No.: PCT/US2009/042682
International Filing Date: 04 May 2009
Priority Date: 06 May 2008
Attorney Docket No.: PR62987USw
For: BENZENE SULFONAMIDE THIAZOLE AND OXAZOLE COMPOUNDS

Dear Mr. ADJABENG:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

/RichardMRoss/

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

Counsel Of Record:
J. Scott Young
GLAXOSMITHKLINE
GLOBAL PATENTS
FIVE MOORE DR., PO BOX 13398
MAIL STOP: C.2111F
RESEARCH TRIANGLE PARK NC 27709-3398

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MAY 09 2011

PCT LEGAL ADMINISTRATION

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of
Kadrnoschka et al.
Application No.: 12/991,006
PCT No.: PCT/DE2009/000615
Int. Filing Date: 29 April 2009
Priority Date: 05 May 2008
Attorney Docket No.: 010588.62907US
For: Plasma Generator And Method For Controlling A Plasma Generator

DECISION

This is in response to the correspondence filed on 04 November 2010.

BACKGROUND

International application PCT/DE2009/000615 was filed on 29 April 2009, claimed an earlier priority date of 05 May 2008, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 12 November 2009. The period for payment of the basic national fee in the United States expired as of midnight on 05 November 2010. Applicant filed *inter alia* a basic national fee in 12/991,006 on 04 November 2010.

DISCUSSION

Review of the instant application file reveals that the Substitute Specification and ADS filed on 04 November 2010 refer to "PCT/DE2009/000615," while the Electronic Acknowledgment Receipt generated during the EFS-Web filing on even date shows that applicants indicated that "PCT/DE09/35471" was to enter the national stage. Inspection of published international application PCT/DE2009/000615 reveals that its bibliographic data is similar to that indicated for this application. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was to enter the national stage under 35 U.S.C. 371.

DECISION

The papers filed on 04 November 2010 are **NOT ACCEPTED** under 35 U.S.C. 371, without prejudice, as described above.

A proper response (as described herein) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

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

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United States Patent and Trademark Office
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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

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AUG 29 2011

PCT LEGAL ADMINISTRATION

In re Application of
Kadmoschka et al.
Application No.: 12/991,006
PCT No.: PCT/DE2009/000615
Int. Filing Date: 29 April 2009
Priority Date: 05 May 2008
Attorney Docket No.: 010588.62907US
For: Plasma Generator And Method For Controlling A Plasma Generator

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 30 June 2011.

DISCUSSION

In a Decision mailed on 09 May 2011, applicants were advised that

> Review of the instant application file reveals that the Substitute Specification and ADS filed on 04 November 2010 refer to "PCT/DE2009/000615," while the Electronic Acknowledgment Receipt generated during the EFS-Web filing on even date shows that applicants indicated that "PCT/DE09/35471" was to enter the national stage. Inspection of published international application PCT/DE2009/000615 reveals that its bibliographic data is similar to that indicated for this application. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was to enter the national stage under 35 U.S.C. 371.

In response, petitioner indicates that "the international application forming the basis of the present national phase application was erroneously identified in the electronically submitted application data," and requests correction of the record "to properly reflect the correct international application number, PCT/DE2009/000615..." Based on the totality of the evidence now of record, it would be appropriate to accept petitioner's statements as to the identity of the international application intended to enter the national phase and as to the nature of the discrepancy.

DECISION

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

This application is being returned to the Office of Patent Application Processing for processing as the national stage under 35 U.S.C. 371 of international application PCT/DE2009/000615. The electronic records of the USPTO will be corrected to reflect the correct national stage parentage.

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

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530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

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DEC 12 2011
OFFICE OF PETITIONS

Applicant(s): EVANS, et al.
Appl. No.: 12/991,037
International Filing Date: May 7, 2009
Title: BIOREMEDIATION PROCESS USING LIQUEFIED PETROLEUM GAS
Attorney Docket No.: 0978.2002-002
Pub. No.: US 2011/0236136 A1
Pub. Date: September 29, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on October 12, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error on the front page of the publication wherein the residence state of joint inventor Evans is printed as Seattle, AL whereas it should have been Seattle, WA.

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

The error in the residence state of the inventor may be Office error, but it is not a material error under 37 CFR 1.221(b). The error does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

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

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

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

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

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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DEC 02 2010

PCT LEGAL ADMINISTRATION

GREENBERG TRAURIG, LLP
200 PARK AVE.
P.O. BOX 677
FLORHAM PARK NJ 07932

In re Application of:
KAWASAKI, Haruhiko, et al.
U.S. Application No.: 12/991,074
PCT No.: PCT/JP2009/056039
International Filing Date: 26 March 2008
Priority Date: 26 March 2008
Attorney Docket No.: 129328.010200
For: CONTROLLER OF HYBRID CONSTRUCTION MACHINE

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 04 November 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/JP2009/056039 became abandoned with respect to the United States at midnight on 26 September 2010 based on applicants' failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 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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FITCH, EVEN, TABIN & FLANNERY
P.O. Box 18415
Washington, DC 20036

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JAN 05 2011

PCT LEGAL ADMINISTRATION

In re Application of
JÄHNIG, *et al*
U.S. Application No.: 12/991,085
PCT No.: PCT/EP2009/050186
Int. Filing Date: 08 January 2009
Priority Date: 09 January 2008
Docket No.: 7863-99002
For: FLOATING FOUNDATION SUPPORTING FRAMEWORK WITH BUOYANCY SUPPORTING COMPONENTS, HAVING AN OPEN-RELIEF DESIGN

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 04 November 2010 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 not provided.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee are required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Ostrow Kaufman LLP
Susan Formicola
555 Fifth Avenue
19th Floor
NEW YORK NY 10017

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JUL 01 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
KURTZ, William C.	:	
Application No.: 12/991,089	:	DECISION ON
PCT No.: PCT/US2008/000134	:	
Int. Filing Date: 03 January 2008	:	PETITION UNDER
Priority Date: 03 January 2007	:	
Attorney Docket No.: 0946-201	:	37 CFR 1.137(b)
For: ANIMAL FEEDER	:	

This decision is in response to applicant's submission filed 04 November 2010.

BACKGROUND

On 03 January 2008, applicant filed international application PCT/US2008/000134 which designated the U.S. and claimed a priority date of 03 January 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 July 2009 (03 July 2009 being a Federal holiday and 04 July 2009 being a Saturday).

On 04 November 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. basic national fee, a declaration of the inventor, and a petition under 37 CFR 1.137(b).

DISCUSSION

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

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

As to item (1), applicant submitted the basic national fee on 04 November 2010.

As to item (2), applicant submitted the petition fee on 04 November 2010.

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

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

The declaration of the inventors filed 04 November 2010is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

/Daniel Stemmer/

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

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Howard & Howard Attorneys PLLC
450 West Fourth Street
Royal Oak, MI 48067

MAILED
SEP 26 2011
PCT LEGAL ADMINISTRATION

In re Application of :
HAJEE et al. :
Application No.: 12/991,092 :
PCT No.: PCT/US2009/002772 :
Int. Filing Date: 05 May 2009 : DECISION ON REQUEST
Priority Date: 05 May 2008 :
Attorney Docket No.: 065586.00004 :
For: MODULAR ILLUMINATION DEVICE WITH PEDAL GENERATOR

This decision is issued in response to applicant's "Correction of Inventorship for Nonprovisional Patent Application Pursuant to 37 CFR 1.48(f)(1)" dated 30 June 2011. Applicant's request is being treated as a petition under 37 CFR 1.497(d), as explained below. The $130 petition fee has been submitted.

BACKGROUND

On 05 May 2009, applicant filed international application PCT/US2009/002772 which claimed a priority date of 05 May 2008. The international application named Jacqueline Hui and Jason Hui as applicants/inventors. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 05 November 2010.

On 04 November 2010, applicant filed a transmittal letter for entry into the national stage in the United States which included the basic national fee.

On 30 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 30 July 2011, applicant filed a declaration executed by: Sameer Hajee; Simon Tremeer; and Barry Whitmill and the present request under 37 CFR 1.497(d).

DISCUSSION

As defined in 37 CFR 1.9(a)(3), a U.S. national stage application must first comply with the requirements of 35 U.S.C. 371(c) to constitute a "nonprovisional" application, therefore, applicant's request under 37 CFR 1.48 will be treated under 37 CFR 1.497(d).

In the instant case, the international application named Jacqueline Hui and Jason Hui as applicant/inventors. Applicants request to add Sameer Hajee; Simon Tremeer; and Barry Whitmill as an applicants/inventors. Additionally, applicants request to delete Jacqueline Hui and Jason Hui as applicants/inventors. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) 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 1.497(a); (3) the fee set forth in 37 CFR 1.17; 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 submitted a statement from the persons being added (Sameer Hajee; Simon Tremeer; and Barry Whitmill) as an inventor in compliance with 37 CFR 1.497(d)(1). Additionally, applicant has submitted a statement from the persons being deleted (Jacqueline Hui and Jason Hui) as an inventor in compliance with 37 CFR 1.497(d)(1). Applicant has submitted a declaration executed by the named inventors. Further, the $130 processing fee required under 37 CFR 1.497(d)(3) has been submitted. Lastly, applicant has submitted written confirmation that no assignee exists. Therefore, applicant's request to correct inventorship under 37 CFR 1.497(d) is granted.

CONCLUSION

The request under 37 CFR 1.497(d) is GRANTED.

Sameer Hajee, Simon Tremeer, and Barry Whitmill will be added as inventors herein. Jacqueline Hui and Jason Hui will be deleted as inventors herein.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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P.O. Box 1450
Alexandria, VA 22313-1450
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ZARLEY LAW FIRM P.L.C.
CAPITAL SQUARE
400 LOCUST, SUITE 200
DES MOINES, IA 50309-2350

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DEC 19 2011
OFFICE OF PETITIONS

In re Application of Van De Nieuwelaar et al.	:	
Application No. 12/991,099	:	
Int'l Filing Date: May 26, 2009	:	Decision on Request
Atty. Docket No. P07391US0-VanDeNieuwela	:	
Pub. No. US 2011/0117254 A1	:	
Pub. Date: May 19, 2011	:	

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed June 10, 2011.

The request is **dismissed**.

Applicants request the application be republished because of the mistakes in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The mistakes identified in the instant request are not material Office mistake as required under 37 C.F.R. § 1.221(b). Specifically, the mistakes do not affect the public's ability to appreciate

[1] *See* Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). *See also* Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. *See* MPEP § 1130(B). Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements, the publication fee set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

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

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

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

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

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

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

FEB 11 2011

PCT LEGAL ADMINISTRATION

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

In re Application of	:	
LEBOWITZ, Jonathan, H., et al.	:	DECISION ON REQUEST
U.S. Application No.: 12/991,104	:	FOR WITHDRAWAL AS
PCT No.: PCT/US2009/043207	:	ATTORNEY OR AGENT
Int. Filing Date: 07 May 2009	:	
Priority Date: 07 May 2008	:	
Attorney Docket No.: 2008266-0148	:	
For: LYSOSOMAL TARGETING PEPTIDES	:	
AND USES THEREOF	:	

This decision is in response to the "Request For Withdrawal As Attorney Or Agent And Change Of Correspondence Address" (Form PCT/SB/83) filed 20 December 2010.

For the reasons discussed below, the request to withdraw as attorney or agent of record is **DISMISSED AS MOOT** and the request to change the correspondence address is **DISMISSED** without prejudice.

A review of the application file reveals that a valid power of attorney was never filed. Because a valid power of attorney is not present, the practitioner who filed the present application is deemed to have acted in a representative capacity pursuant to 37 CFR 1.34.

For requests to withdraw filed on or after 12 May 2008, the Office no longer approves requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file. Change in Procedure for Requests to Withdraw from Representation in a Patent Application, 1329 OG 99, 08 April 2008.

With respect to the request to change the correspondence address, 37 CFR 1.33(a)(1) states as follows:

> If a § 1.63 oath or declaration has not been filed by any of the inventors, the correspondence address may be changed by the party who filed the application. If the application was filed by a patent practitioner, any other patent practitioner

> named in the transmittal papers may also change the correspondence address. Thus, the inventor(s), any patent practitioner named in the transmittal papers accompanying the original application, or a party that will be the assignee who filed the application, may change the correspondence address in that application under this paragraph.

MPEP section 403 discusses 37 CFR 1.33(a)(1) as follows: "any registered practitioner named in the application transmittal letter ... could change the correspondence address. A registered practitioner named in a letterhead would not be sufficient, but rather a clear identification of the individual as being a representative would be required."

In the present case, a power of attorney or a declaration under 37 CFR 1.63 has not been filed. Pursuant to 37 CFR 1.33(a)(1), the correspondence address herein can therefore only be changed by "the inventor(s), any patent practitioner named in the transmittal papers accompanying the original application, or a party that will be the assignee who filed the application." The present request to change the correspondence address was signed by practitioner Brenda Herschbach Jarrell, who was not the practitioner who filed the application and was not identified in the transmittal papers accompanying the original application. Ms. Jarrell is therefore not a person authorized to change the correspondence address herein. Accordingly, the correspondence address will remain at present the address set forth above, as provided upon filing.

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
Tel: (571) 271-3296

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:	12/991,116	Filing date:	November 4, 2010
First Named Inventor:	Bruno INCERTI FORNACIARI		
Title of the Invention:	REVOLVING FOOTBOARD FOR RUNNING AND STRUCTURE INCORPORATING SUCH A...		

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

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

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

The corresponding PCT application number(s) is/are: PCT/IB2009/051771

The international date of the corresponding PCT application(s) is/are: April 30, 2009

I. List of Required Documents:

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

☐ Is attached

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

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

☐ Is attached.

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

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

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

Approved for use through 01/31/2012. OMB 0651-0058
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.:	12/991,116
First Named Inventor:	Bruno INCERTI FORNACIARI

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 4, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 4, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US claim 1 containing clerical amendments
2	2	Amended to depend on claim 1
3	3	Amended to depend on claim 2
4	4	Amended to depend on claim 1
5	5	Amended to depend on claim 4
6	6	Amended to depend on claim 4 only
7	7	Amended to depend on claim 1
8	8	Amended to depend on claim 1
9	9	Amended to depend on claim 1
10	10	Amended to depend on claim 1
11	11	Amended to depend on claim 10
12	12	Amended to depend on claim 1
13	6	Corresponds to PCT IPRP claim 6 when depending on claim 5

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

Signature /Alessandro Steinfl US Reg. No. 56,448/	Date November 4, 2010
Name (Print/Typed) Alessandro Steinfl	Registration Number 56448

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/991,116	01/24/2011	Bruno Incerti Fornaciari	P693-US	6465

72932 7590 04/08/2011
Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena, CA 91101

EXAMINER
THANH, LOAN H

ART UNIT	PAPER NUMBER
3764	

MAIL DATE	DELIVERY MODE
04/08/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena CA 91101

In re Application of	:
INCERTI FORNACIARI, BRUNO	: DECISION ON REQUEST TO
Application No. 12/991,116	: PARTICIPATE IN PATENT
Filed: Nov. 4, 2010	: PROSECUTION HIGHWAY
Attorney Docket No.	: PILOT PROGRAM AND PETITION
For: REVOLVING FOOTBOARD FOR	: TO MAKE SPECIAL UNDER
RUNNING AND STRUCTURE	: 37 CFR 1.102(d)
INCORPORATING SUCH FOOTBOARD	

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 Nov. 4, 2010 to make the above-identified application special.

The request and petition are Dismissed.

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

With regard to Item #6, a copy of prior art reference FR 2464732 cited by PCT examiner is missing. A copy is required.

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

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web. Currently, the application is undergoing entry of RCE papers and amendment processing.

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

Petition is **dismissed**.

/Henry C. Yuen/

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

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Bruno Incerti FORNACIARI	Examiner: Loan H. THANH
Serial No.:	12/991,116	Art Unit: 3764
Filed:	January 24, 2011	Our Ref: P693-US
For:	REVOLVING FOOTBOARD FOR RUNNING AND STRUCTURE INCORPORATING SUCH FOOTBOARD	Date: April 13, 2011 Re: ***Response to Decision on Request to Participate in the PCT Patent Prosecution Highway Pilot Program and Petition to Make Special Under 37 CFR 1.102(d)***

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

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

Dear Sirs:

This letter is filed as a response to the USPTO Decision on Request to Participate in Patent Prosecution Highway Pilot Program mailed by the USPTO on April 8, 2011.

In the Decision, the USPTO notes that Applicant's request to participate in the PCT-PPH pilot program fails to meet Item (6).

Applicant submits herewith an Information Disclosure Statement directed to meeting the above item.

Item (6)

In the Decision, the USPTO states that "*(w)ith regard to Item (6), a copy of prior art reference FR 2464732 cited by PCT examiner is missing. A copy is required.*"

Accordingly, the Applicant submits herewith an Information Disclosure Statement listing the aforementioned French patent document. It is submitted that the submission of this IDS satisfies Item (6) and that the Applicant's request and petition should be granted.

The Applicant believes that no fee is due in connection with the submission of the present paper. However, the Commissioner is authorized to charge any additional fee which may be required or credit overpayment to deposit account no. 50-4194. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-4194. Please ensure that the Attorney Docket Number is referred to when charging any payments or crediting any overpayments for this case.

I hereby certify that this correspondence is being electronically filed on April 13, 2011 by Richard Yo.

/Richard Yo/

Respectfully submitted,

/Alessandro Steinfl, Reg. No. 56,448/

Alessandro Steinfl
Attorney for Applicant
Reg. No. 56,448
Customer No.: 72932
STEINFL & BRUNO
301 N. Lake Avenue, Suite 810
Pasadena, CA 91101
Telephone: (626) 792-0536
Fax: (626) 792-1342

Encl: Information Disclosure Statement (3 pages)
FR 2464732 (11 pages)

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.
12/991,116	01/24/2011	Bruno Incerti Fornaciari	P693-US	6465

72932 7590 04/14/2011
Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena, CA 91101

EXAMINER
THANH, LOAN H

ART UNIT	PAPER NUMBER
3764	

MAIL DATE	DELIVERY MODE
04/14/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena CA 91101

In re Application of	:
INCERTI FORNACIARI, BRUNO	: DECISION ON REQUEST TO
Application No. 12/991,116	: PARTICIPATE IN PATENT
Filed: Nov. 4, 2010	: PROSECUTION HIGHWAY
Attorney Docket No.	: PILOT PROGRAM AND PETITION
For: REVOLVING FOOTBOARD FOR	: TO MAKE SPECIAL UNDER
RUNNING AND STRUCTURE	: 37 CFR 1.102(a)
INCORPORATING SUCH FOOTBOARD	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 13, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must 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.

Other inquiries concerning the examination or status of the application should be directed to Loan Thanh, the SPE of Art Unit 3764 at 571-272-4966 for Class 482/008 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

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

The petition is **granted.**

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Seppo Laine Oy
Joshua P. Wert
Itamerenkatu 3B
Helsinki FI001-80
FINLAND

MAILED

JUL 26 2011

PCT LEGAL ADMINISTRATION

In re Application of
HILLBERG, et al.
Serial No.: 12/991,127
PCT No.: PCT/FI2009/050361
Int. Filing Date: 05 May 2009
Priority Date: 05 May 2008
Atty Docket No.: ION 6 US
For: MULTILAYER PACKAGINGS

DECISION ON PETITION

UNDER 37 CFR 1.47(a)

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 26 May 2011 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of joint inventor Jyri Nieminen.

BACKGROUND

On 05 May 2009, applicant filed international application PCT/FI2009/050361 which claimed priority to a previous application filed 05 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 05 November 2010.

On 05 November 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment and an Application Data Sheet.

On 26 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 26 May 2011, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a four-month extension of time and payment of the appropriate extension of time fee. The response is timely filed.

DISCUSSION

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

Applicant has satisfied items 3 and 4.

As to item (1), applicant indicates in the petition that the $200.00 petition fee is being paid. However, this fee payment was not included. Deposit account authorization has not been provided on this application. As such, the petition fee is still outstanding.

Regarding item (2), Mr. Sundman indicates in his statement that Mr. Nieminen confirmed "that he refuses to sign the application documents at this time." The Manual of Patent Examining Procedure (MPEP) at section 409.03(d) states:

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.

As such, applicant should provide details of the refusal of 19 May 2011.

It is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Seppo Laine Oy
Joshua P. Wert
Itamerenkatu 3B
Helsinki FI00180
FINLAND

MAILED
OCT 13 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
HILLBERG, et al.	:	DECISION ON PETITION
Serial No.: 12/991,127	:	
PCT No.: PCT/FI2009/050361	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 05 May 2009	:	
Priority Date: 05 May 2008	:	
Atty Docket No.: ION 6 US	:	
For: MULTILAYER PACKAGINGS	:	

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed 19 September 2011 to accept the application without the signature of joint inventor Jyri Nieminen.

BACKGROUND

On 26 July 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to file any request for reconsideration.

On 19 September 2011, applicant filed the renewed petition under 37 CFR 1.47(a) considered herein.

DISCUSSION

As detailed in the decision mailed 16 May 2011, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 3 and 4.

With the filing of the renewed petition and supporting exhibits applicant has satisfied the remaining two items and it is therefore proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 05 May 2009 under 35 U.S.C. 363, and will be given a date of **26 May 2011** under 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4).

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Mr. Jyri Nieminen
SilverPhasE Oy
Hermiankatu 12 B
FI-33720 Tampere
FINLAND

MAILED
OCT 13 2011
PCT LEGAL ADMINISTRATION

In re Application of
HILLBERG, et al.
Serial No.: 12/991,127
PCT No.: PCT/FI2009/050361
Int. Filing Date: 05 May 2009
Priority Date: 05 May 2008
Atty Docket No.: ION 6 US
For: MULTILAYER PACKAGINGS

Dear Mr. Nieminen:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Counsel of record:

Joshua P. Wert
Seppo Laine Oy
Itamerenkatu 3B
Helsinki FI001-80
FINLAND

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/991,137	11/05/2010	Benedetto Fedeli	0139.1024	6733

7590 12/07/2011
STEIN MCEWEN, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER
YUEN, HENRY C

ART UNIT	PAPER NUMBER
3742	

NOTIFICATION DATE	DELIVERY MODE
12/07/2011	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Irene Farmer

Patent Publication Branch
Office of Data Management

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.
12/991,159	11/05/2010	Takashi Shinozaki	0134/010001	6868

22893 7590 02/28/2011
SMITH PATENT OFFICE
1901 PENNSYLVANIA AVENUE N W
SUITE 901
WASHINGTON, DC 20006

EXAMINER
KRYCINSKI, STANTON L

ART UNIT	PAPER NUMBER
3637	

MAIL DATE	DELIVERY MODE
02/28/2011	PAPER

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

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

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FEB 28 2011

SMITH PATENT OFFICE
1901 PENNSYLVANIA AVENUE N W
SUITE 901
WASHINGTON DC 20006

In re application of Takashi Shinozaki Application No. 12/991,159 Filed: November 05, 2010 For: RACK ASSEMBLY	**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 January 04, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the petition being properly submitted via EFS-Web as is required, 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: 02/25/11

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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GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

MAILED

JUN 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
LUO, Pingan, et al. :
Application No.: 12/991,170 :
PCT No.: PCT/CN2009/070253 :
Int. Filing Date: 21 January 2009 :
Priority Date: 06 May 2008 :
Attorney's Docket No.: 5186/007 :
For: A METHOD AND SYSTEM FOR :
DETERMINING THE CONSTITUENT :
CONTENT OF A MULTIPHASE FLUID :

DECISION

This decision responds applicants' request under 37 CFR 1.48(b), filed in the United States Patent and Trademark Office on 18 January 2011.

BACKGROUND

On 01 December 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath of declaration were required.

On 18 January 2011, applicants submitted this request under 37 CFR 1.48(b) accompanied by a declaration listing one inventor. The international application lists two.

DISCUSSION

A petition under 37 CFR 1.48(b) is to add or remove an inventor from a non-provisional application to correct the inventorship after an amendment. This application is not yet a non-provisional.

Under 37 CFR 1.41(a)(4), the inventorship of the international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. An oath or declaration reflecting that international stage inventorship is required. Should applicants need to change the inventorship in the national stage application on account of a preliminary amendment, that can be done with a petition under 37 CFR 1.48(b), AFTER the application satisfies the requirements for entry into the national stage, including a declaration in compliance with 37 CFR 1.497(a)-(b).

If the inventorship was incorrectly listed during the international phase, applicants may clarify that the request is under 37 CFR 1.497(d) and that the stated inventorship is not accurate

for the international application. Applicants called this a request under 37 CFR 1.48(b), but supplied a statement from the inventor under 37 CFR 1.48(a).

If the inventorship stated in the application is accurate for the international application, applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a) - (b).

CONCLUSION

For the above reasons, applicant's declaration does not comply with 37 CFR 1.497(a)-(b) and the petition under 37 CFR 1.48(b) will not be acted upon at this point.

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required 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 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
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

SEP 27 2011

PCT LEGAL ADMINISTRATION

GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

In re Application of :
LUO, Pingan, et al. :
Application No.: 12/991,170 :
PCT No.: PCT/CN2009/070253 :
Int. Filing Date: 21 January 2009 :
Priority Date: 06 May 2008 :
Attorney's Docket No.: 5186/007 :
For: A METHOD AND SYSTEM FOR :
DETERMINING THE CONSTITUENT :
CONTENT OF A MULTIPHASE FLUID :

DECISION

This decision is in response to applicants' Response to Decision, filed in the United States Patent and Trademark Office on 02 August 2011.

On 07 June 2011, the Office mailed Decision, requiring an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).

On 02 August 2011, applicants furnished a declaration of the inventors.

The 02 August 2011 declaration complies with 37 CFR 1.497(a)-(b). The petition under 37 CFR 1.48(b) will remain in the file for treatment in due course.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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MAILED

APR 01 2011

PCT LEGAL ADMINISTRATION

STURM & FIX LLP
206 SIXTH AVENUE
SUITE 1213
DES MOINES IA 50309-4076

In re Application of	:	
BENET FERRUS, David, et al.	:	
Application No.: 12/991,200	:	
PCT No.: PCT/ES2009/000236	:	DECISION ON
Int. Filing Date: 05 May 2009	:	
Priority Date: 06 May 2008	:	PETITION
Attorney Docket No.: 2-1038-117	:	
For: SET OF ANTIANGIOGENIC	:	UNDER 37 CFR 1.182
MOLECULES AND USE THEREOF	:	

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 24 January 2011.

BACKGROUND

On 24 November 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late furnishing of the search fee, examination fee or oath or declaration were required.

On 24 January 2011, applicants submitted a declaration of the inventors and a petition under 37 CFR 1.182.

DISCUSSION

Applicants have supplied statements from inventors Corcostegui Guraya and Prieto Garcia stating that their names are incorrectly listed in international application PCT/ES2009/000236 without deceptive intention on their parts. The inventor listed as "Francisco de Borja Corcostegui" is named "Francisco de Borja Corcostegui Guraya." The inventor listed as "Jose Alberto Prieto Garcia," is named "Jorge Alberto Prieto Garcia."

The 24 January 2011 declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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:	AWAITED	Filing date:	November 5, 2010
First Named Inventor:	Timothy R. Lynn		
Title of the Invention:	Slurry Catalyst Flow Splitters and Methods of Using the Same		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/046093

The international date of the corresponding PCT application(s) is/are: June 3, 2009

I. List of Required Documents:

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

☑ Is attached

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

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

☑ Is attached.

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

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

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

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

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

(continued)

Application No.:	AWAITED
First Named Inventor:	Timothy R. Lynn

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

☑ Is attached

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

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

☑ Are attached.

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
See attached sheet.		

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

Signature /Jennifer A. Schmidt/	Date November 5, 2010
Name (Print/Typed) Jennifer A. Schmidt	Registration Number 63,040

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.

Request for Participation In the PCT – Patent Prosecution Highway Pilot Program Between the EPO and the USPTO

Attorney Docket No. 2008U018.US

Application No. AWAITED

First Named Inventor: Timothy Lynn

Claims Correspondence Table

Claims in US Application	Patentable Claims in the Corresponding PCT Application	Explanation Regarding the Correspondence
1	1	US Claim is the same as the PCT Claim.
2	2	US Claim is the same as the PCT Claim.
3	3	US Claim is the same as the PCT Claim, except that the dependency has been amended.
5	5	US Claim is the same as the PCT Claim, except that the dependency has been amended.
6	6	US Claim is the same as the PCT Claim, except that the dependency has been amended.
7	7	US Claim is the same as the PCT Claim, except that the dependency has been amended.
8	8	US Claim is the same as the PCT Claim.
9	9	US Claim is the same as the PCT Claim.
10	10	US Claim is the same as the PCT Claim.
11	11	US Claim is the same as the PCT Claim.
12	12	US Claim is the same as the PCT Claim.
13	13	US Claim is the same as the PCT Claim.
14	14	US Claim is the same as the PCT Claim, except that the dependency has been amended.
15	15	US Claim is the same as the PCT Claim, except that the dependency has been amended.
16	16	US Claim is the same as the PCT Claim, except that the dependency has been amended.
17	4	US Claim is the same as the PCT Claim.
18	5	US Claim is the same as the PCT Claim, except that the dependency has been amended.
19	6	US Claim is the same as the PCT Claim, except that the dependency has been amended.
20	7	US Claim is the same as the PCT Claim, except that the dependency has been amended.

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.
12/991,315	11/05/2010	Timothy R. Lynn	2008U018.US	7888

25959 7590 03/10/2011
UNIVATION TECHNOLOGIES, LLC
5555 SAN FELIPE, SUITE 1950
HOUSTON, TX 77056

EXAMINER

ART UNIT	PAPER NUMBER
3753	

NOTIFICATION DATE	DELIVERY MODE
03/10/2011	ELECTRONIC

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

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

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

univationlaw@univation.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

UNIVATION TECHNOLOGIES, LLC
5555 SAN FELIPE, SUITE 1950
HOUSTON TX 77056

In re Application of	:
LYNN, TIMOTHY R.	: DECISION ON REQUEST TO
Application No. 12/991,315	: PARTICIPATE IN PATENT
Filed: Nov. 5, 2010	: PROSECUTION HIGHWAY
Attorney Docket No 2008U018.US	: PILOT PROGRAM AND PETITION
For: SLURRY CATALYST FLOW SPLITTERS	: TO MAKE SPECIAL UNDER
AND METHODS OF USING THE SAME	: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Nov. 5, 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 Stephen Hepperle, the SPE of Art Unit 3753 and (571)272-4913 for Class 137/1 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

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

The petition is **granted.**

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JAN 04 2011

PCT LEGAL ADMINISTRATION

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

In re Application of	:	
CHEN	:	
Application No.: 12/991,319	:	DECISION
PCT No.: PCT/US2009/035569	:	
Int. Filing Date: 27 February 2009	:	
Priority Date: 27 February 2008	:	
Attorney Docket No.: 6162-00303	:	
For: PRODUCTION AND USES OF TYPE 1	:	
RIBOSOME INACTIVATING PROTEINS	:	

This decision is in response to applicants' submission filed 05 November 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 February 2009, applicants filed international application PCT/US2009/035569 which designated the U.S. and claimed a priority date of 27 February 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 03 September 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 August 2010.

On 05 November 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 05 November 2010.

As to item (2), applicant submitted the petition fee on 05 November 2010.

As to item (3), petitioner's statement that the "entire delay in paying the basic national fee was unintentional" has been construed as meaning that the "entire delay in filing the required reply (the required reply being the U.S. Basic National Fee) from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicant must *immediately* notify the Office of PCT Legal Administration of such fact.

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

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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NOV 03 2011

OFFICE OF PETITIONS

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

Applicants: LUCAS, et al.
Appl. No.: 12/991,320
International Filing Date: May 7, 2008
Title: MAGNETIC PIGMENT COATINGS, LAMINATES AND METHOD OF PRODUCTION THEREOF
Attorney Docket: 3044.0010000/MAC/JRF
Pub. No.: US 2011/0117334 A1
Pub. Date: May 19, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 12, 2011, for the above-identified application.

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains material error wherein the assignee's name was misprinted on the first page of the publication.

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

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the name of the assignee. A typographical error in an assignee's name is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130. Applicants should

[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).

not file requests for corrected publication when a publication includes error in assignment information or missing assignment information.

Applicant is encouraged to use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions, contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov.
571-272-4100 (local)

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

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

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

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

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

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

United States Patent and Trademark Office

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

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JAN 27 2011

PCT LEGAL ADMINISTRATION

BENNETT JONES LLP
3400 ONE FIRST CANADIAN PLACE
PO BOX 130
TORONTO ON M5X 1A4
CANADA

In re Application of	:	
Geist	:	
Application No.: 12/991,326	:	DECISION
PCT No.: PCT/CA2009/000454	:	
Int. Filing Date: 08 April 2009	:	ON
Priority Date: 08 April 2008	:	
Attorney Docket No.: 61339-16/wbv	:	PETITION
For: System And Method For Providing Data And Application Continuity In A Computer System	:	

The petition to revive under 37 CFR 1.137(b) filed on 05 November 2010 in the above-captioned application is hereby **GRANTED** as follows:

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

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

The declaration filed on 05 November 2009 was unsigned.

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
DEC 05 2011
OFFICE OF PETITIONS

In re Application of :
OKSCHE *et al* :
Application No.: 12/991,338 :
PCT No.: PCT/EP2009/055422 :
Int. Filing Date: 05 May 2009 :
Priority Date: 05 May 2008 : DECISION
Atty. Docket No.: 1861.3040000/JMC/KXM :
For: OPIOID COMPOSITION FOR :
TREATING SKIN LESIONS :

This is a decision on applicants' "PETITION UNDER 37 CFR § 1.47(a)," filed in the U.S. Patent and Trademark Office (USPTO) on 19 September 2011, which requests that the application be accepted without the signature of a joint inventor, Vanessa Addison, on the grounds that she 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 Addison'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 05 May 2009, under 35 U.S.C. 363 and a date of **19 September 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

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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VANESSA ADDISON
SUNNYSIDE, STATION ROAD
LAKENHEATH, BRANDON
SUFFOLK IP27 9AA
UNITED KINGDOM

In re Application of
OKSCHE *et al*
Application No.: 12/991,338
PCT No.: PCT/EP2009/055422
Int. Filing Date: 05 May 2009
Priority Date: 05 May 2008
Atty. Docket No.: 1861.3040000/JMC
For: OPIOID COMPOSITION FOR TREATING SKIN LESIONS

NOTIFICATION

Dear Vanessa Addison:

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

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 (Vanessa Addison) 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/EP2009/055422 and was filed on 05 May 2009, in the names of Alexander Oksche, Kevin J. Smith, Derek Prater, Malcolm Walden, Will Heath, Bernard Kennedy, Vanessa Addison, and Hassan Mohammad for the invention entitled OPIOID COMPOSITION FOR TREATING SKIN LESIONS. The national stage application number is 12/991,338 and has a 35 U.S.C. 371(c) date of 19 September 2011.

Attorney Docket No. P26295-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	George Jöngren	§	Group Art Unit:	TBD
		§		
Application No:	12/991,355	§	Examiner:	TBD
		§		
§ 371(c) Date:	TBD	§	Confirmation No.	8059

FOR: SUPPORT FOR RETRANSMITTING A TRANSPORT BLOCK WITH A DIFFERENT NUMBER OF LAYERS THAN A PREVIOUS TRANSMISSION ATTEMPT

Via EFS-Web

Mail Stop PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313.1450

CERTIFICATE OF TRANSMISSION BY EFS-WEB

I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office electronically via EFS-Web.

Date: **Dec. 31, 2010**

Signature: **/Todd A. Cason, Reg No 54,020/**

Name: Todd A. Cason

Dear Sir:

PETITION TO MAKE SPECIAL
UNDER 37 C.F.R. § 1.102

In accordance with the U.S.P.T.O.'s "Backlog Reduction Stimulus Plan," as set forth in the Official Gazette Notices of December 22, 2009 (*see* 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (*see* 1351 *Off. Gaz. Pat. Off.* 202), and July 20, 2010 (*see* 1356 *Off. Gaz. Pat. Off.* 173) (collectively the "*Official Gazette Notices*"), Telefonaktiebolaget LM Ericsson ("Applicant") submits this Petition to Make Special (this "Petition") and requests that the above-referenced application (the "Present Application") be accorded special status under 37 C.F.R. § 1.102.

As required by the *Official Gazette Notices*, the following conditions have been satisfied:

1) The Present Application is a non-provisional application that has an actual filing date earlier than October 1, 2009;

2) Applicant is the assignee of another non-provisional application, U.S. Pat. Appl. No. 12/305,773 (the "Abandoned Application") that has an actual filing date earlier than October 1, 2009 and is complete under 37 C.F.R. § 1.53;

3) Applicant is currently the sole assignee of both the Present Application and the Abandoned Application and has been since before October 1, 2009;

4) On the date this Petition to Make Special was filed, Applicant also filed a Declaration of Express Abandonment Under 37 C.F.R.§ 1.138 (the "Abandonment Declaration") expressly abandoning the Abandoned Application. Applicant believes the Abandonment Declaration was filed prior to the Abandoned Application being taken up for examination. Additionally, in accordance with the *Office Gazette Notices*, the Abandonment Declaration included:

a) A statement that Applicant has not and will not file an application that claims the benefit of the filing date of the Abandoned Application under any provision of Title 35 of the U.S.C.;

b) A statement that Applicant agrees not to, in the future, request a refund of any fees paid in the Abandoned Application; and

c) A statement that Applicant has not and will not file a new application claiming the same inventions as is currently claimed in the Abandoned Application; and

5) Applicant now files this Petition under 37 C.F.R. § 1.102 in the Present Application. As part of this Petition, Applicant respectfully notes that:

a) The basis under which special status is being sought is the express abandonment of another copending application pursuant to the Backlog Reduction Stimulus Plan established by the *Official Gazette Notices* conditioned on the granting of this Petition;

b) A copy of the Abandonment Declaration is submitted herewith;

c) The Present Application and the Abandoned Application have both been owned by Telefonaktiebolaget LM Ericsson, as sole assignee, since before October 1, 2009, which qualifies the Present Application for special status pursuant to the Backlog Reduction Stimulus Plan;

d) As indicated above, the Abandoned Application was assigned the application number U.S. Pat. Appl. No. 12/305,773;

e) Applicant has not filed petitions requesting special status under the Backlog Reduction Stimulus Plan in more than fourteen (14) other applications; and

f) Applicant agrees to make an election without traverse via a telephone interview if the U.S.P.T.O. deems the claims of the Present Application to be directed to two or more independent and distinct inventions.

Applicant respectfully notes that, pursuant to the *Official Gazette Notices*, the fee requirement for petitions to make special under 37 C.F.R. § 1.102 is waived, and Applicant believes no further fees are necessary at this time. However, the Commissioner is hereby authorized to deduct any necessary fees from, or to credit any overcharges to, Deposit Account No. 50-1379.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024
972-583-8510

Electronic Acknowledgement Receipt

EFS ID:	9147197
Application Number:	12305773
International Application Number:	
Confirmation Number:	7574
Title of Invention:	SYSTEM AND METHOD OF SELECTIVELY RESTRICTING OPERATIONS OF A MOBILE PHONE IN A TELECOMMUNICATIONS SYSTEM
First Named Inventor/Applicant Name:	Sathishkumar Gopalaswamy
Customer Number:	27045
Filer:	Steven Ware Smith/Todd Cason
Filer Authorized By:	Steven Ware Smith
Attorney Docket Number:	P22457-US2
Receipt Date:	31-DEC-2010
Filing Date:	19-DEC-2008
Time Stamp:	20:41:20
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Express Abandonment of the application	P22457-RequestFile.pdf	25031 ff3be5daca280218662073a02ba8da22b88b45ff	no	2

Warnings:

Information:

Total Files Size (in bytes):	25031

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Attorney Docket No. P22457-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Sathishkumar Gopalaswamy, et al.	§	Group Art Unit:	2617
		§		
Application No:	12/305,773	§	Examiner:	Dwayne Bost
		§		
Filed:	December 19, 2008	§	Confirmation No.	7574

FOR: SYSTEM AND METHOD OF SELECTIVELY RESTRICTING OPERATIONS OF A MOBILE PHONE IN A TELECOMMUNICATIONS SYSTEM

Via EFS-Web

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Commissioner for Patents
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Alexandria, VA 22313.1450

CERTIFICATE OF TRANSMISSION BY EFS-WEB

I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office electronically via EFS-Web.

Date: **Dec. 31, 2010**

Signature: **/Todd A. Cason, Reg No 54,020/**

Name: Todd A. Cason

Dear Sir:

DECLARATION OF EXPRESS ABANDONMENT UNDER 37 C.F.R § 1.138

For the purpose of participating in the U.S.P.T.O.'s Backlog Reduction Stimulus Plan set forth in the Official Gazette Notices of December 22, 2009 (*see* 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (*see* 1351 *Off. Gaz. Pat. Off.* 202), and July 20, 2010 (*see* 1356 *Off. Gaz. Pat. Off.* 173) (collectively, the "*Official Gazette Notices*"), Telefonaktiebolaget LM Ericsson ("Applicant"), as sole assignee of the relevant patent, expressly abandons U.S. Pat. Appl. No. 12/305,773 (the "Abandoned Application") under 37 C.F.R. § 1.138. To the extent permissible under the Backlog Reduction Stimulus Plan, Applicant conditions this abandonment of the Abandoned Application on the U.S.P.T.O. granting the Petition to Make Special Under 37 C.F.R. § 1.102 filed concurrently with this Declaration in U.S. Pat. Appl. No. 12/991,355.

Additionally, in accordance with the requirements of the *Office Gazette Notices*, Applicant has not filed and will not file any other application claiming the same invention presently claimed by the Abandoned Application. Applicant also has not filed and will not file another application claiming the benefit of the Abandoned Application's filing date under any provision of Title 35 of the U.S.C. Moreover, Applicant agrees not to, in the future, request refund of any fees paid on the Abandoned Application.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024
972-583-8510

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
JONGREN :
Application No. 12/991,355 :
35 U.S.C. 371 Date: Not Yet Determined :
Int. Appl. No.: PCT/IB2009/005492 :
Int. File Date: May 5, 2009
Attorney Docket No. **P26295-US2**

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed December 31, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

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

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

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Forrest James Brown

Application No. 12991387

Filed: November 5,2010

Attorney Docket No. 300047-00002US

: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 24-MAY-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
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

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

Application Information

Application Number	12/991,387	Confirmation Number	8300	Filing Date	2010-11-05
Attorney Docket Number (optional)	300047-0002US	Art Unit	2817	Examiner	LEE, BENNY T
First Named Inventor	Forrest James Brown				
Title of Invention	Improvements in and Relating to Radio Frequency Combiners/Splitters				

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
Forrest	James	Brown	

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	/Timothy D. Casey/	Date (YYYY-MM-DD)	2011-05-24
Name	Timothy D. Casey	Registration Number	33124

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

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.
12/991,482	11/08/2010	Masahiro Ebiko	SYT-112-A	9255

21828 7590 02/25/2011
CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI, MI 48375

EXAMINER

ART UNIT	PAPER NUMBER
1747	

NOTIFICATION DATE	DELIVERY MODE
02/25/2011	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

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

In re application of	:	DECISION ON REQUEST TO
Masahiro Ebiko	:	PARTICIPATE IN PATENT
Serial No. 12/991,482	:	PROSECUTION HIGHWAY
Filed: November 8, 2010	:	PROGRAM AND
For: PNEUMATIC TIRE	:	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 December 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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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park NC 27709

MAILED
MAR 25 2011
PCT LEGAL ADMINISTRATION

In re Application of :
NOHEDA MARÍN, Pedro, et al. :
Application No.: 12/991,520 :
PCT No.: PCT/ES2009/070138 :
Int. Filing Date: 05 May 2009 : DECISION
Priority Date: 06 May 2008 :
Att. Docket No.: 020884-000114 :
For: METHOD FOR PREPARING :
OREGANIC ACID :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 30 December 2010, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The surcharge for furnishing of the search fee, examination fee or oath or declaration after thirty months from the priority date will be charged to deposit account no. 13-4365, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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United States Patent and Trademark Office
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MAILED

MAR 03 2011

PCT LEGAL ADMINISTRATION

MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park NC 27709

In re Application of	:	
NOHEDA et al.	:	
Application No.: 12/991,523	:	DECISION on
PCT No.: PCT/ES09/70139	:	
Int. Filing Date: 05 May 2009	:	PETITION
Priority Date: 06 May 2008	:	
Attorney Docket No.: 020884-000115	:	UNDER 37 CFR 1.137(b)
For: METHOD FOR OBTAINING CINATRINS C3 AND C1		

The petition to revive under 37 CFR 1.137(b) filed 30 December 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 $810 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, is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

UNITED STATES PATENT and TRADEMARK OFFICE

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park NC 27709

MAILED
APR 19 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
MARIN et al	:	
Application No.: 12/991,531	:	
PCT No.: PCT/SE2009/070140	:	
Int. Filing Date: 05 May 2009	:	PETITION UNDER
Priority Date: 06 May 2008	:	
Attorney's Docket No.: 020884-000116	:	
For: METHOD FOR OBTAINING ...	:	
THEREOF	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 30 December 2010.

BACKGROUND

On 05 May 2009, this international application was filed, claiming an earliest priority date of 05 May 2008.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 06 November 2010. This international application became abandoned with respect to the United States at midnight on 06 November 2010 for failure to pay the required basic national fee.

On 08 November 2010 (as November 6, 2010 felled on a Saturday), applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the copy of the international application. However, the national basic fee and executed declaration were not provided at such time.

On 23 November 2010, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since the applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 23 November 2010, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and the basic national fee.

DISCUSSION

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

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

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

DECISION

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

MAILED
JUN 16 2011
OFFICE OF PETITIONS

In re Application of :
Mullen, et al. :
Application No. 12/991,559 : DECISION ON PETITION
Filed: 8 November, 2010 :
Attorney Docket No. 0100024.0581758 :

This is a decision on the petition filed on 11 March, 2011, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

NOTE:

Petitioner has filed a grantable petition with proper statement with fee and showing and a new oath/declaration.

Petitioner will wish to file an updated ADS.

The petition under 37 C.F.R §1.182 is **GRANTED**.

The guidance in the Commentary set forth at MPEP§605.04(c) suggests to Petitioner the proper procedure herein:

605.04(c)Inventor Changes Name [R-5]

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and **>a statement< signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a * copy of the court order.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record. (Emphasis supplied)

BACKGROUND

A search of the file indicates that:

The instant application was filed, Petitioner indicates, with another form as to an inventor's name—the name having been typed and signed in that form. Petitioner states that it was "Linda Louise Fleming," however, the corrected form is to be "Linda Louise Mullen."

On 11 March, 2011, Petitioner indicated to the Office that the name of inventor/applicant should be corrected to overcome the incorrect form of the name of the inventor. Petitioner submitted a statement of the Applicant signed under both names, and an executed oath/declaration in the "corrected" form

Petitioner will wish to file an updated ADS.

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]

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.182 is **granted**.

The application is released to the Office of Patent Application Processing for processing as necessary to update Office records and mail a corrected filing receipt before being returned to the Technology Center for further processing in due course.

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

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

---

[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.

[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 Petitioners 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.

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

Attorney Docket No.: 1163-0840PUS1

Application No:	12/991,607	Filing date:	November 08, 2010
First Named Inventor:	Takuya TANIGUCHI		
Title of the Invention:	ECHO CANCELER		

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/JP2009/001668

The international date of the corresponding PCT application(s) is/are: April 10, 2009

I. List of Required Documents:

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

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

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

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

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

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

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

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

(continued)

Application No.:	12/991,607
First Named Inventor:	Takuya TANIGUCHI

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 8, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 8, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claim 1	Claim 1	US Claim 1 sufficiently corresponds to JP Claim 1
Claim 2	Claim 2	US Claim 2 sufficiently corresponds to JP Claim 2
Claim 3	Claim 3	US Claim 3 sufficiently corresponds to JP Claim 3
Claim 4	Claim 4	US Claim 4 sufficiently corresponds to JP Claim 4
Claim 5	Claim 5	US Clai m5 sufficiently corresponds to JP Claim 5
Claim 6	Claim 5	US Claim 6 sufficiently corresponds to JP Claim 6
Claim 7	Claim 7	US Claim 7 sufficiently corresponds to JP Claim 7
Claim 8	Claim 8	US Claim 8 sufficiently corresponds to JP Claim 8
Claim 9	Claim 9	US Claim 9 sufficiently corresponds to JP Claim 9
Claim 10	Claim 10	US Claim 10 sufficiently corresponds to JP Claim 10
Claim 11	Claim 11	US Claim 11 sufficiently corresponds to JP Claim 11
Claim 12	Claim 12	US Claim 12 sufficiently corresponds to JP Claim 12
Claim 13	Claim 13	US Claim 13 sufficiently corresponds to JP Claim 13
Claim 14	Claim 14	US Claim 14 sufficiently corresponds to JP Claim 14
Claim 15	Claim 15	US Claim 15 sufficiently corresponds to JP Claim 15
Claim 16	Claim 16	US Claim 16 sufficiently corresponds to JP Claim 16
Claim 17	Claim 17	US Claim 17 sufficiently corresponds to JP Claim 17
Claim 18	Claim 18	US Claim 18 sufficiently corresponds to JP Claim 18
Claim 19	Claim 19	US Claim 19 sufficiently corresponds to JP Claim 19

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

Signature	Date July 13, 2011
Name (Print/Typed) Michael K. Mutter	Registration Number 29680

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.:	12/991,607
First Named Inventor:	Takuya TANIGUCHI

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 Continued:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claim 20	Claim 20	US Claim 20 sufficiently corresponds to JP Claim 20
Claim 21	Claim 21	US Claim 21 sufficiently corresponds to JP Claim 21
Claim 22	Claim 22	US Claim 22 sufficiently corresponds to JP Claim 22
Claim 23	Claim 23	US Claim 23 sufficiently corresponds to JP Claim 23
Claim 24	Claim 24	US Claim 24 sufficiently corresponds to JP Claim 24

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

Signature	Date July 13, 2011
Name (Print/Typed) Michael K. Mutter	Registration Number 29680

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 570876WO01	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/001668	10.04.2009	11.06.2008

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/JP2009/001668

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/JP2009/001668

Box No. IV **Lack of unity of invention**

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:

   ☐ paid additional fees

   ☐ paid additional fees under protest and, where applicable, the protest fee

   ☐ paid additional fees under protest but the applicable protest fee was not paid

   ☐ not paid additional fees

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

   ☐ complied with

   ☒ not complied with for the following reasons:

The feature common to the invention of claims 1-6, 11, 13, 15, 17, and 19, the invention of claims 7-10, 12, 14, 16, 18, and 20, and the invention of 21-24 is the "echo canceller that uses adaptive filters to filter reference signals input from the respective sound sources that cause an echo and generate an echo removal signal." However, said configuration is clearly well known, as a multi-channel echo canceller, and cannot be found to be a "special technical feature" that makes a contribution over the prior art.

Also, there is no other common feature considered to be a "special technical feature" among the invention of claims 1-6, 11, 13, 15, 17, and 19, the invention of claims 7-10, 12, 14, 16, 18, and 20, and the invention of claims 21-24, and these groups of inventions are not found to be so related as to form a single general inventive concept.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

   ☒ all parts

   ☐ the parts relating to claims Nos. _____

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/001668

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	1-24	YES
	Claims		NO
Inventive step (IS)	Claims	1-24	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims		NO

2. Citations and explanations:

The invention as in claims 1-24 is not disclosed in any of the documents cited in the ISR, and is novel and involves an inventive step.

In particular, none of the documents discloses echo canceller that uses adaptive filters to filter reference signals input from the respective sound sources that cause an echo so as to generate an echo removal signal and to perform echo cancellation, wherein:

"the number of taps of the aforementioned adaptive filters can vary depending on the number of sound sources detected by the reference signal that is input";

"signal power before and after the echo cancellation processing of the aforementioned adaptive filters is monitored, and in view of the tradeoff between the echo cancellation processing capability of the processor and the echo cancellation effects by the aforementioned adaptive filters the effective number of adaptive filters or the number of taps is made variable"; or

"signal power before and after the echo cancellation processing of the aforementioned adaptive filters is monitored so that, if determination is made that the

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

aforementioned adaptive filters in the aforementioned sound sources that cause echo cannot be processed with the echo cancellation processing capability of the processor, the effective number of echo sound sources is reduced."

Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 1 sets forth the following: "a control unit that varies the number of taps of the aforementioned adaptive filters depending on the number of sound sources detected by the aforementioned sound quantity detection unit." Claim 1 does not specify at all in what cases or in what manner the number of taps of the adaptive filters is varied, and thus includes a broad scope.

However, the only feature supported by the description in the sense of PCT Article 6 is found to be the feature wherein, when the number of sound sources has decreased, control is performed so as to increase the number of taps of a given adaptive filter and the echo cancellation processing by the other adaptive filters is stopped, and conversely, when the number of sound sources has increased, control is performed so as to reduce the number of taps of a given adaptive filter and the echo cancellation processing by the other adaptive filters is started.

The same applies to claims 2-6, 11, 13, 15, 17, and 19.

Therefore, the search for claims 1-6, 11, 13, 15, 17, and 19 was performed for the scope supported by the disclosure of the description, that is, the feature wherein, when the number of sound sources has decreased, control is performed so as to increase the number of taps of a given adaptive filter and the echo cancellation processing by the other adaptive filters is stopped, and conversely, when the number of sound sources has increased, control is performed so as to reduce the number of taps of a given adaptive filter and the echo

Box No. VIII **Certain observations on the international application**

cancellation processing by the other adaptive filters is started.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/991,607	11/08/2010	Takuya Taniguchi	1163-0840PUS1	1012

2292 7590 08/03/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
08/03/2011	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):

mailroom@bskb.com

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

In re Application of	**: DECISION ON REQUEST TO**
TANIGUCHI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/991,607	**: PROSECUTION HIGHWAY**
Filed: 08 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 1163-0840PUS1	**: TO MAKE SPECIAL UNDER**
For: ECHO CANCELER	**: 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 13 July 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

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

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

Requirements (1) and (5-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (2) and (3).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the ISA/237.

Regarding the requirement of condition (3), applicant has failed to submit a translation of the claims from the PCT applications that have novelty, inventive step, and industrial applicability along with a statement that the English translation is accurate.

Regarding the requirement of condition (4), it cannot be determined if requirement (4) has been met since requirement (3) has not been met.

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

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

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

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

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

Docket No.: 1163-0840PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:
Takuya TANIGUCHI et al.

Application No.: 12/991,607 Confirmation No.: 1012

Filed: November 08, 2010 Art Unit: 2614

For: ECHO CANCELER Examiner: Not Yet Assigned

L E T T E R REQUESTING RECONSIDERATION OF THE DECISION TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(D)

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

Sir:

A decision to dismiss the Request to Participate in the Patent Prosecution Highway in the above-identified application was rendered on August 3, 2011 based on 1) failure to provide an English translation of the allowed claims from PCT Application No. PCT/JP2009/002039, and 2) the failure to provide an explanation why the claims are not subject to the observation in Box VIII of the ISA/237. Attached please find an explanation of the claims subject to the observation Box VIII of the ISA/237, a copy of the claims from PCT Application No. PCT/JP2009/002039, along with an English language certified translation and a copy of the original Japanese language written opinion.

1) The requirement to submit a translation of the allowed Japanese claims as set forth in requirement 3) as expressed in the decision on the Request to Participate in the PCT Patent Prosecution Highway is now clearly met by the attached English translation of the allowed claims accompanying a declaration of the translator and allowed Japanese language claims.
2) The observations set forth in Box VIII of the ISA/237 merely define the claim scope of the allowed claims for the purpose of defining the scope of search as determined by the Japanese Patent Office in the corresponding PCT application. The observations therefore do not affect allowability of the claims in Japanese national phase application. It is therefore apparent that requirement 4) as expressed in the decision on the Request to Participate in the PCT Patent Prosecution Highway has been complied with.
3) To ensure that all documents are provided, attached hereto is further a copy of the Japanese Language Written Opinion.

The attached documents supplement the original request filed by applicants on July 13. 2011 and correct all deficiencies with the request for participation in the PCT Patent Prosecution Highway filed on that date. In view of the submission of the above documents, reconsideration of the denial of participation in the PPH program is earnestly requested.

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: September 21, 2011

Respectfully submitted,

By _____

Michael K. Mutter
Registration No.: 29680
BIRCH,STEWART,KOLASCH & BIRCH, LP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachments – Decision on Request to Participate in Patent Prosecution High
– Certification of Translation of English language claims from PCT Application No. PCT/JP2009/002039
– Copy of Japanese Language Written Opinion

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Attorney Docket No.: 1163-0840PUS1

Application No:	12/991,607	Filing date:	November 08, 2010
First Named Inventor:	Takuya TANIGUCHI		
Title of the Invention:	ECHO CANCELER		

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/JP2009/001668

The international date of the corresponding PCT application(s) is/are: April 10, 2009

I. List of Required Documents:

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

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

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

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

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

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

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

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

(continued)

Application No.:	12/991,607
First Named Inventor:	Takuya TANIGUCHI

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 8, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 8, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claim 1	Claim 1	US Claim 1 sufficiently corresponds to JP Claim 1
Claim 2	Claim 2	US Claim 2 sufficiently corresponds to JP Claim 2
Claim 3	Claim 3	US Claim 3 sufficiently corresponds to JP Claim 3
Claim 4	Claim 4	US Claim 4 sufficiently corresponds to JP Claim 4
Claim 5	Claim 5	US Clai m5 sufficiently corresponds to JP Claim 5
Claim 6	Claim 5	US Claim 6 sufficiently corresponds to JP Claim 6
Claim 7	Claim 7	US Claim 7 sufficiently corresponds to JP Claim 7
Claim 8	Claim 8	US Claim 8 sufficiently corresponds to JP Claim 8
Claim 9	Claim 9	US Claim 9 sufficiently corresponds to JP Claim 9
Claim 10	Claim 10	US Claim 10 sufficiently corresponds to JP Claim 10
Claim 11	Claim 11	US Claim 11 sufficiently corresponds to JP Claim 11
Claim 12	Claim 12	US Claim 12 sufficiently corresponds to JP Claim 12
Claim 13	Claim 13	US Claim 13 sufficiently corresponds to JP Claim 13
Claim 14	Claim 14	US Claim 14 sufficiently corresponds to JP Claim 14
Claim 15	Claim 15	US Claim 15 sufficiently corresponds to JP Claim 15
Claim 16	Claim 16	US Claim 16 sufficiently corresponds to JP Claim 16
Claim 17	Claim 17	US Claim 17 sufficiently corresponds to JP Claim 17
Claim 18	Claim 18	US Claim 18 sufficiently corresponds to JP Claim 18
Claim 19	Claim 19	US Claim 19 sufficiently corresponds to JP Claim 19

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

Signature	Date September 21, 2011
Name (Print/Typed) Michael K. Mutter	Registration Number 29680

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

(continued)

Application No.:	12/991,607
First Named Inventor:	Takuya TANIGUCHI

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 Continued:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claim 20	Claim 20	US Claim 20 sufficiently corresponds to JP Claim 20
Claim 21	Claim 21	US Claim 21 sufficiently corresponds to JP Claim 21
Claim 22	Claim 22	US Claim 22 sufficiently corresponds to JP Claim 22
Claim 23	Claim 23	US Claim 23 sufficiently corresponds to JP Claim 23
Claim 24	Claim 24	US Claim 24 sufficiently corresponds to JP Claim 24

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

Signature	Date September 21, 2011
Name (Print/Typed) Michael K. Mutter	Registration Number 29680

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/991,607	11/08/2010	Takuya Taniguchi	1163-0840PUS1	1012

2292 7590 08/03/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
08/03/2011	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):

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In re Application of	**: DECISION ON REQUEST TO**
TANIGUCHI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/991,607	**: PROSECUTION HIGHWAY**
Filed: 08 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 1163-0840PUS1	**: TO MAKE SPECIAL UNDER**
For: ECHO CANCELER	**: 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 13 July 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

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

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

Requirements (1) and (5-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (2) and (3).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the ISA/237.

Regarding the requirement of condition (3), applicant has failed to submit a translation of the claims from the PCT applications that have novelty, inventive step, and industrial applicability along with a statement that the English translation is accurate.

Regarding the requirement of condition (4), it cannot be determined if requirement (4) has been met since requirement (3) has not been met.

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

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

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

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

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

S T A T E M E N T

International Application No.PCT/JP2009/001668

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/JP2009/001668 which was filed on April 10, 2009.

And I make this solemn declaration conscientiously believing the same to be true.

This 14th day of September, 2011

Hideaki TAZAWA

1. An echo canceler for generating an echo elimination signal by filtering, through adaptive filters, reference signals input from sound sources causing echoes, the echo canceler comprising:

a sound source number detecting unit for detecting the number of the sound sources causing echoes from the reference signals; and

a control unit for making the number of taps of the adaptive filters variable in accordance with the number of the sound sources detected by the sound source number detecting unit.

2. The echo canceler according to claim 1, wherein

the control unit makes the number of taps of the adaptive filters inversely proportional to the number of sound sources causing echoes.

3. The echo canceler according to claim 1, further comprising:

a delay block, wherein

the control unit controls the delay block to make the number of taps of the adaptive filters equivalently variable by delaying samples corresponding to the number of taps of the adaptive filters.

4. The echo canceler according to claim 1, wherein

the control unit varies a suppressing amount of a maximum volume of the sound sources causing echoes in accordance with the number of taps of the adaptive filters.

5. The echo canceler according to claim 1, wherein

the control unit dynamically varies the number of taps of the adaptive filters in accordance with dynamic changes in the number of the sound sources causing echoes.

6. The echo canceler according to claim 5, wherein

the control unit immediately alters the number of taps of the adaptive filters in accordance with the number of the sound sources causing echoes.

7. An echo canceler having a processor for executing echo cancellation processing by generating an echo elimination signal by filtering, through one or more adaptive filters, reference signals input from sound sources causing echoes, the echo canceler comprising:

a signal power measuring unit for monitoring signal powers before and after the echo cancellation processing of the adaptive filters by the processor; and

a control unit for making the effective number of the adaptive filters or the number of taps of them variable in accordance with trade-off between processing capacity of the processor and echo cancellation effect through the one or more adaptive filters, which are decided from outputs of the signal power measuring unit.

8. The echo canceler according to claim 7, wherein

the control unit monitors the signal powers before and after the echo cancellation processing of the adaptive filters with the signal power measuring unit, and omits the echo cancellation processing of the adaptive filter having signal power changes less than a threshold.

9. The echo canceler according to claim 7, wherein

the control unit monitors the signal powers before and after the echo cancellation processing of the adaptive filters with the signal power measuring unit, increases or decreases the number of taps successively, and executes the echo cancellation processing using the number of taps that will increase or decrease the signal power after the echo cancellation processing by any given value from the signal power before the echo cancellation processing.

10. The echo canceler according to claim 7, wherein

the control unit limits a maximum volume of the echo sound sources temporarily when it makes a decision from the outputs of the signal power measuring unit that sufficient echo cancellation effect cannot be achieved because the processing capacity of the processor is not enough and the number of taps of the adaptive filters required cannot be maintained.

11. The echo canceler according to claim 4, wherein

the control unit lowers, when limiting volume of the echo sound sources temporarily during utterance of a talker, only the volume of the echo sound source mounted close to a microphone for capturing speech of the talker to a limit value.

12. The echo canceler according to claim 10, wherein

the control unit lowers, when limiting volume of the echo sound sources temporarily during utterance of a talker, only the volume of the echo sound source mounted close to a microphone for capturing speech of the talker to a limit value.

13. The echo canceler according to claim 4, wherein

the control unit lowers, when limiting volume of the echo sound sources temporarily during utterance of a talker, the volume of the echo sound sources to a limit value corresponding to a distance between a microphone for capturing speech of the talker and the echo sound sources, or corresponding to a speech propagation distance or corresponding to a speech propagation attenuation in accordance with mounting places of the echo sound sources.

14. The echo canceler according to claim 10, wherein

the control unit lowers, when limiting volume of the echo sound sources temporarily during utterance of a talker, the volume of the echo sound sources to a limit value corresponding to a distance between a microphone for capturing speech of the talker and the echo sound sources, or corresponding to a speech propagation distance or corresponding to a speech propagation attenuation in accordance with mounting places of the echo sound sources.

15. The echo canceler according to claim 4, wherein

the control unit reports to a talker, when limiting volume of the echo sound sources temporarily during utterance of the talker, that the echo sound sources are limited to be lowered.

16. The echo canceler according to claim 10, wherein

the control unit reports to a talker, when limiting volume of the echo sound sources temporarily during utterance of the talker, that the echo sound sources are limited to be lowered.

17. The echo canceler according to claim 5, further comprising:

a voice recognition unit, wherein

the control unit maintains the number of taps of the adaptive filters during and immediately before voice recognition by the voice recognition unit.

18. The echo canceler according to claim 7, further comprising:

a voice recognition unit, wherein

the control unit maintains the number of taps of the adaptive filters during and immediately before voice recognition by the voice recognition unit.

19. The echo canceler according to claim 5, further comprising:

a storage unit, wherein

the control unit saves, when altering the number of taps of the adaptive filters, filter coefficients of the adaptive filters immediately before the altering in the storage unit, and restores the filter coefficients from the storage unit to reuse them when carrying out processing at the same number of taps next time.

20. The echo canceler according to claim 7, further comprising:

a storage unit, wherein

the control unit saves, when altering the number of taps of the adaptive filters, filter coefficients of the adaptive filters immediately before the altering in the storage unit, and restores the filter coefficients from the storage unit to reuse them when carrying out processing at the same number of taps next time.

21. An echo canceler having a processor for generating an echo elimination signal by filtering, through one or more adaptive filters, reference signals input from sound sources causing echoes, the echo canceler comprising:

a sound source number conversion unit for making the number of the echo sound sources variable in accordance with a prescribed condition; and

a control unit for monitoring signal powers before and after echo cancellation processing of the adaptive filters, and for reducing an effective number of the echo sound sources by controlling the sound source number conversion unit when making a decision that processing capacity of the processor is not enough to process the adaptive filters the number of which equals the number of the sound sources causing echoes.

22. The echo canceler according to claim 21, wherein

the control unit increases the number of taps of the adaptive filters by the number the sound source number conversion unit reduces the number of the echo sound sources.

23. The echo canceler according to claim 21, wherein

the control unit, when making a decision that the processor has surplus processing capacity by monitoring the signal powers before and after the echo cancellation processing of the adaptive filters, controls the sound source number conversion unit to stop processing of reducing the sound sources causing echoes or to increase the effective number of the adaptive filters by increasing the number of the sound sources causing echoes.

24. The echo canceler according to claim 21, wherein

the control unit monitors set volume of the echo sound sources, and controls the sound source number conversion unit to further reduce the effective number of the echo sound sources and to further increase the number of taps of the adaptive filters as the set volume increases.

【請求項１】
　エコーとなる音源のそれぞれから入力される参照信号を適応フィルタにより濾波してエコー除去信号を生成するエコーキャンセラであって、
　前記参照信号から前記エコーとなる音源の数を検知する音源数検知部と、
　前記音源数検知部で検知された音源の数に応じて前記適応フィルタのタップ数を可変とする制御部と、
　を備えたことを特徴とするエコーキャンセラ。
【請求項２】
　前記制御部は、
　前記適応フィルタのタップ数を、前記エコーとなる音源の数に反比例した数とすることを特徴とする請求項１記載のエコーキャンセラ。
【請求項３】
　遅延ブロックを備え、
　前記制御部は、
　前記遅延ブロックを制御して前記適応フィルタのタップ数相当分のサンプルを遅延させ、等価的に前記適応フィルタのタップ数を可変とすることを特徴とする請求項１記載のエコーキャンセラ。
【請求項４】
　前記制御部は、
　前記適応フィルタのタップ数に応じて、前記エコーとなる音源の最大音量の抑制量を変化させることを特徴とする請求項１記載のエコーキャンセラ。
【請求項５】
　前記制御部は、
　前記エコーとなる音源の数の動的変化に応じて、前記適応フィルタのタップ数を動的に変化させることを特徴とする請求項１記載のエコーキャンセラ。
【請求項６】
　前記制御部は、
　前記適応フィルタのタップ数を、前記エコーとなる音源の数に応じて即時に変更することを特徴とする請求項５記載のエコーキャンセラ。
【請求項７】
　エコーとなる音源のそれぞれから入力される参照信号を１以上の適応フィルタにより濾波してエコー除去信号を生成し、エコーキャンセル処理を行うプロセッサを備えたエコーキャンセラであって、
　前記プロセッサによる前記適応フィルタのエコーキャンセル処理前後における信号電力を監視する信号電力計測部と、
　前記適応フィルタの有効数、もしくはタップ数を、前記信号電力計測部の出力により判定される、前記プロセッサによる処理能力と前記１以上の適応フィルタによるエコーキャンセル効果とのトレードオフにより可変とする制御部と、
　を備えたことを特徴とするエコーキャンセラ。
【請求項８】
　前記制御部は、
　前記信号電力計測部により各適応フィルタのエコーキャンセル処理前後における信号電力を監視し、前記信号電力の変化が閾値より少ない適応フィルタについては前記エコーキャンセル処理を省略することを特徴とする請求項７記載のエコーキャンセラ。
【請求項９】
　前記制御部は、
　前記信号電力計測部により前記適応フィルタのエコーキャンセル処理前後における信号電力を監視し、前記タップ数を、順次、増加もしくは減少させ、前記エコーキャンセル処理後の信号電力がエコーキャンセル処理前の信号電力よりも任意の値だけ低下する、もしくは上昇するタップ数により前記エコーキャンセル処理を実行させることを特徴とする請

求項７記載のエコーキャンセラ。
【請求項１０】
前記制御部は、
前記信号電力計測部の出力により、前記プロセッサの処理能力が足りず、必要な適応フィルタのタップ数を確保できないことにより十分なエコーキャンセル効果が得られないと判定された場合には、前記エコー音源の最大音量を一時制限することを特徴とする請求項７記載のエコーキャンセラ。
【請求項１１】
前記制御部は、
話者の発話時に前記エコー音源の音量を一時的に制限する場合、話者の音声を拾うマイクロフォンに近い位置に設置されている前記エコー音源の音量のみ、制限値まで下げることを特徴とする請求項４記載のエコーキャンセラ。
【請求項１２】
前記制御部は、
話者の発話時に前記エコー音源の音量を一時的に制限する場合、話者の音声を拾うマイクロフォンに近い位置に設置されている前記エコー音源の音量のみ、制限値まで下げることを特徴とする請求項１０記載のエコーキャンセラ。
【請求項１３】
前記制御部は、
話者の発話時に前記エコー音源の音量を一時的に制限する場合、前記エコー音源の音量を、前記エコー音源の設置場所により、話者の音声を拾うマイクロフォンと、前記エコー音源との間の距離または音声伝搬距離または音声伝搬減衰量に応じた制限値まで下げることを特徴とする請求項４記載のエコーキャンセラ。
【請求項１４】
前記制御部は、
話者の発話時に前記エコー音源の音量を一時的に制限する場合、前記エコー音源の音量を、前記エコー音源の設置場所により、話者の音声を拾うマイクロフォンと、前記エコー音源との間の距離または音声伝搬距離または音声伝搬減衰量に応じた制限値まで下げることを特徴とする請求項１０記載のエコーキャンセラ。
【請求項１５】
前記制御部は、
話者の発話時に前記エコー音源の音量を一時的に制限する場合、話者に対し、エコー音源が制限されて低下するものであることを報知することを特徴とする請求項４記載のエコーキャンセラ。
【請求項１６】
前記制御部は、
話者の発話時に前記エコー音源の音量を一時的に制限する場合、話者に対し、エコー音源が制限されて低下するものであることを報知することを特徴とする請求項１０記載のエコーキャンセラ。
【請求項１７】
音声認識部を備え、
前記制御部は、
前記音声認識部による音声認識中とその直前に、前記適応フィルタによるタップ数を変化させないことを特徴とする請求項５記載のエコーキャンセラ。
【請求項１８】
音声認識部を備え、
前記制御部は、
前記音声認識部による音声認識中とその直前に、前記適応フィルタによるタップ数を変化させないことを特徴とする請求項７記載のエコーキャンセラ。

【請求項１９】
記憶部を備え、
前記制御部は、
前記適応フィルタのタップ数を変化させる際に、直前における前記適応フィルタのフィルタ係数を前記記憶部にセーブし、次回、同じタップ数で処理する場合に、前記記憶部から前記フィルタ係数をリストアして再利用することを特徴とする請求項５記載のエコーキャンセラ。
【請求項２０】
記憶部を備え、
前記制御部は、
前記適応フィルタのタップ数を変化させる際に、直前における前記適応フィルタのフィルタ係数を前記記憶部にセーブし、次回、同じタップ数で処理する場合に、前記記憶部から前記フィルタ係数をリストアして再利用することを特徴とする請求項７記載のエコーキャンセラ。
【請求項２１】
エコーとなる音源のそれぞれから入力される参照信号を１以上の適応フィルタにより濾波してエコー除去信号を生成するプロセッサを有するエコーキャンセラであって、
所定の条件に基づき前記エコー音源の数を可変とする音源数変換部と、
前記適応フィルタのエコーキャンセル処理前後における信号電力を監視し、前記プロセッサが有する処理能力では前記エコーとなる音源の数だけ前記適応フィルタを処理できないと判定された場合、前記音源数変換部を制御して前記エコー音源の有効数を減少させる処理を行う制御部と、
を備えたことを特徴とするエコーキャンセラ。
【請求項２２】
前記制御部は、
前記エコー音源の数を前記音源数変換部により減少させた分だけ、前記適応フィルタのタップ数を増加させることを特徴とする請求項２１記載のエコーキャンセラ。
【請求項２３】
前記制御部は、
前記適応フィルタのエコーキャンセル処理前後における信号電力を監視して前記プロセッサの処理能力に余剰があると判定された場合、前記音源数変換部を制御して前記エコーとなる音源を減少させる処理を停止するか、前記エコーとなる音源の数を増やして前記適応フィルタの有効数を増加させることを特徴とする請求項２１記載のエコーキャンセラ。
【請求項２４】
前記制御部は、
前記エコー音源の設定音量を監視し、前記設定音量が大きくなるほど前記音源数変換部を制御して前記エコー音源の有効数を減らし、前記適応フィルタのタップ数を増加させることを特徴とする請求項２１記載のエコーキャンセラ。

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 570876WO01	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/001668	10.04.2009	11.06.2008

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/JP2009/001668

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/JP2009/001668

Box No. IV **Lack of unity of invention**

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:

   ☐ paid additional fees

   ☐ paid additional fees under protest and, where applicable, the protest fee

   ☐ paid additional fees under protest but the applicable protest fee was not paid

   ☐ not paid additional fees

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

   ☐ complied with

   ☒ not complied with for the following reasons:

The feature common to the invention of claims 1-6, 11, 13, 15, 17, and 19, the invention of claims 7-10, 12, 14, 16, 18, and 20, and the invention of 21-24 is the "echo canceller that uses adaptive filters to filter reference signals input from the respective sound sources that cause an echo and generate an echo removal signal." However, said configuration is clearly well known, as a multi-channel echo canceller, and cannot be found to be a "special technical feature" that makes a contribution over the prior art.

Also, there is no other common feature considered to be a "special technical feature" among the invention of claims 1-6, 11, 13, 15, 17, and 19, the invention of claims 7-10, 12, 14, 16, 18, and 20, and the invention of claims 21-24, and these groups of inventions are not found to be so related as to form a single general inventive concept.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

   ☒ all parts

   ☐ the parts relating to claims Nos. _____

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/001668

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	1-24	YES
	Claims		NO
Inventive step (IS)	Claims	1-24	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims		NO

2. Citations and explanations:

The invention as in claims 1-24 is not disclosed in any of the documents cited in the ISR, and is novel and involves an inventive step.

In particular, none of the documents discloses echo canceller that uses adaptive filters to filter reference signals input from the respective sound sources that cause an echo so as to generate an echo removal signal and to perform echo cancellation, wherein:

"the number of taps of the aforementioned adaptive filters can vary depending on the number of sound sources detected by the reference signal that is input";

"signal power before and after the echo cancellation processing of the aforementioned adaptive filters is monitored, and in view of the tradeoff between the echo cancellation processing capability of the processor and the echo cancellation effects by the aforementioned adaptive filters the effective number of adaptive filters or the number of taps is made variable"; or

"signal power before and after the echo cancellation processing of the aforementioned adaptive filters is monitored so that, if determination is made that the

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

aforementioned adaptive filters in the aforementioned sound sources that cause echo cannot be processed with the echo cancellation processing capability of the processor, the effective number of echo sound sources is reduced."

Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 1 sets forth the following: "a control unit that varies the number of taps of the aforementioned adaptive filters depending on the number of sound sources detected by the aforementioned sound quantity detection unit." Claim 1 does not specify at all in what cases or in what manner the number of taps of the adaptive filters is varied, and thus includes a broad scope.

However, the only feature supported by the description in the sense of PCT Article 6 is found to be the feature wherein, when the number of sound sources has decreased, control is performed so as to increase the number of taps of a given adaptive filter and the echo cancellation processing by the other adaptive filters is stopped, and conversely, when the number of sound sources has increased, control is performed so as to reduce the number of taps of a given adaptive filter and the echo cancellation processing by the other adaptive filters is started.

The same applies to claims 2-6, 11, 13, 15, 17, and 19.

Therefore, the search for claims 1-6, 11, 13, 15, 17, and 19 was performed for the scope supported by the disclosure of the description, that is, the feature wherein, when the number of sound sources has decreased, control is performed so as to increase the number of taps of a given adaptive filter and the echo cancellation processing by the other adaptive filters is stopped, and conversely, when the number of sound sources has increased, control is performed so as to reduce the number of taps of a given adaptive filter and the echo

Box No. VIII **Certain observations on the international application**

cancellation processing by the other adaptive filters is started.

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)	０７．０７．２００９
出願人又は代理人 の書類記号　570876W001	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／ＪＰ２００９／００１６６８	(日.月.年)　１０．０４．２００９	(日.月.年)　１１．０６．２００８

国際特許分類（ＩＰＣ）Int.Cl. G10L21/02(2006.01)i, G10L15/20(2006.01)i, H04M1/60(2006.01)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
２９．０６．２００９

名称及びあて先	特許庁審査官（権限のある職員）	5Z	3352
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	菊池　智紀 電話番号　０３－３５８１－１１０１　内線　３５４１		

国際調査機関の見解書

国際出願番号 PCT／JP2009／001668

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／ＪＰ２００９／００１６６８

第Ⅳ欄　発明の単一性の欠如

１．☐ 追加手数料の納付命令書（様式ＰＣＴ／ＩＳＡ／２０６）に対して、出願人は、規定期間内に、

☐ 追加手数料を納付した。

☐ 追加手数料及び、該当する場合には、異議申立手数料の納付と共に、異議を申し立てた。

☐ 追加手数料の納付と共に異議を申し立てたが、規定の異議申立手数料を支払わなかった。

☐ 追加手数料を納付しなかった。

２．☑ 国際調査機関は、発明の単一性の要件を満たしていないと判断したが、追加手数料の納付を出願人に求めないこととした。

３．国際調査機関は、ＰＣＴ規則 13.1、13.2 及び 13.3 に規定する発明の単一性を次のように判断する。

☐ 満足する。

☑ 以下の理由により満足しない。

請求項１－６、１１、１３、１５、１７、１９に係る発明、請求項７－１０、１２、１４、１６、１８、２０に係る発明、請求項２１－２４に係る発明に共通するのは、「エコーとなる音源のそれぞれから入力される参照信号を適応フィルタにより濾波してエコー除去信号を生成するエコーキャンセラ」であることであるが、当該構成は、マルチチャネルエコーキャンセラとして明らかに周知のものであり、先行技術に対して貢献する「特別な技術的特徴」と認めることはできない。

そして、請求項１－６、１１、１３、１５、１７、１９に係る発明、請求項７－１０、１２、１４、１６、１８、２０に係る発明、請求項２１－２４に係る発明に「特別な技術的特徴」と考えられる他の共通の事項は存在せず、これらの一群の発明は、単一の一般的発明概念を形成するように連関しているとは認められない。

４．　したがって、国際出願の次の部分について、この見解書を作成した。

☑ すべての部分

☐ 請求項 ＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿ に関する部分

国際調査機関の見解書

国際出願番号 PCT／JP2009／001668

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	1-24	有
	請求項		無
進歩性（IS）	請求項	1-24	有
	請求項		無
産業上の利用可能性（IA）	請求項	1-24	有
	請求項		無

2. 文献及び説明

請求項１－２４に係る発明は、国際調査報告で引用された何れの文献にも開示されておらず、新規性、進歩性を有する。

特に、エコーとなる音源のそれぞれから入力される参照信号を適応フィルタにより濾波してエコー除去信号を生成し、エコーキャンセラ処理を行うエコーキャンセラにおいて、

「入力される参照信号から検知された音源の数に応じて、前記適応フィルタのタップ数を可変とする点」、

「前記適応フィルタのエコーキャンセル処理前後における信号電力を監視することにより、プロセッサが有するエコーキャンセル処理能力と前記適応フィルタによるエコーキャンセル効果とのトレードオフを考慮し、適応フィルタの有効数、もしくはタップ数を可変とする点」、又は、

「前記適応フィルタのエコーキャンセル処理前後における信号電力を監視することにより、プロセッサが有するエコーキャンセル処理能力では前記エコーとなる音源の数だけ前記適応フィルタを処理できないと判定された場合、エコー音源の有効数を減少させる処理を行う点」

は、何れの文献にも開示されていない。

第Ⅷ欄　国際出願に対する意見

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

請求項１には、「前記音源数検知部で検知された音源の数に応じて前記適応フィルタのタップ数を可変とする制御部」と記載されており、音源の数がどのような場合に、適応フィルタのタップ数をどのように変化させるのかについて何ら特定していないため、広範囲なものを包含する。

しかしながら、ＰＣＴ第６条の意味において明細書の開示により裏付けられているのは、音源が少なくなった場合に、ある適応フィルタのタップ数を増加させるように制御し、他の適応フィルタによるエコーキャンセル処理を停止させること、また、その逆に、音源が多くなった場合に、ある適応フィルタのタップ数を減少させるように制御し、他の適応フィルタによるエコーキャンセル処理を開始させることであると認められる。

請求項２－６、１１、１３、１５、１７、１９についても同様である。

よって、請求項１－６、１１、１３、１５、１７、１９についての調査は、明細書の開示により裏付けられている範囲、すなわち、音源が少なくなった場合には、ある適応フィルタのタップ数を増加させるように制御し、他の適応フィルタによるエコーキャンセル処理を停止させるもの、また、その逆に、音源が多くなった場合には、ある適応フィルタのタップ数を減少させるように制御し、他の適応フィルタによるエコーキャンセル処理を開始させるものについて行った。

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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.
12/991,607	11/08/2010	Takuya Taniguchi	1163-0840PUS1	1012

2292 7590 10/12/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
LYTLE, JEFFREY P

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
10/12/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

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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**
TANIGUCHI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/991,607	**: PROSECUTION HIGHWAY**
Filed: 08 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 1163-0840PUS1	**: TO MAKE SPECIAL UNDER**
For: ECHO CANCELER	**: 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 13 July 2011 and renewed 21 September 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the 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.

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
Quality Assurance Specialist
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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JAN 06 2011

PCT LEGAL ADMINISTRATION

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

In re Application of AHLGREN	:	
Application No.: 12/991,613	:	DECISION ON
PCT No.: PCT/SE09/50395	:	
Int. Filing: 17 April 2009	:	PETITION TO REVIVE
Priority Date: 18 April 2008	:	
Attorney Docket No.: 047113-7194 (461046)	:	UNDER 37 CFR 1.137(b)
For: A COATED CUTTING TOOL AND A METHOD OF MAKING THEREOF	:	

The petition to revive under 37 CFR 1.137(b) filed 08 November 2010 in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

Applicant have now submitted the basic national fee. The petition fee has been paid. The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing including issuance of a Notification of Missing Requirements indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

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:	12/991,622	Filing date:	November 8, 2010
First Named Inventor:	Paul Edmund Raith		
Title of the Invention:	Footwear		

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/EP2009/056259

The international filing date of the corresponding PCT application(s) is/are: May 25, 2009

I. List of Required Documents:

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

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

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

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

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

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

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

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

(continued)

Application No.:	12/991,622
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 November 8, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on November 8, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	A Preliminary Amendment was filed in the U.S. Application on
		November 8, 2010, that amended the claims of the corresponding PCT Application for
		clarity, antecedence and to conform to U.S. practice. In claim 1:
		(1) numerical references to structural features of the Figures have been
		removed; (2) "characterised in that" has been replaced
		with "wherein"; (3) "with the interior upper having" has been replaced
		with "the interior upper comprising"; (4) "two side areas (2), (3)" has been
		replaced with "a first side area and a second side area."
2	2	PCT Claim 2 has been amended for clarity, antecedence, and to conform to U.S. practice:
		(1) "Shoe" has been replaced with "The shoe"; (2) "characterised in that" has been replaced
		with "wherein"; and (3) "area (4)" has been replaced with "area."
3	3	PCT Claim 3 has been amended for clarity, to remove multiple dependencies and
		depends only from claim 1.
4	4	PCT Claim 4 has been amended for clarity, to remove multiple dependences and
		depends only from claim 1
5	3	U.S. Claim 5 addresses the multiple dependency of PCT claim 3.
6,7	4	U.S. Claims 6 and 7 address the multiple dependency of PCT claim 4
8	3, 4	U.S. Claim 8 addresses the multiple dependencies of PCT claims 3 and 4
		(PCT claim 3 depending from PCT claim 2 + PCT claim 4 depending from PCT claim 3)

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

Signature /Sarah Lhymn/	Date December 29, 2010
Name (Print/Typed) Sarah Lhymn for James A. Oliff	Registration Number 65,041

Privacy Act Statement

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

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

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

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference CXD 2760 WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/EP2009/056259	International filing date *(day/month/year)* 25 May 2009 (25.05.2009)	Priority date *(day/month/year)* 23 May 2008 (23.05.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SYMPATEX TECHNOLOGIES GMBH		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 06 December 2010 (06.12.2010)
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

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	**See form PCT/ISA/210**
Applicant's or agent's file reference CXD 2760 WO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP2009/056259	25.05.2009	23.05.2008

International Patent Classification (IPC) or both national classification and IPC
A43B9/02 A43B23/07

Applicant
SYMPATEX TECHNOLOGIES GMBH

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/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/056259

Box No. I **Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing

   ☐ contained in the international application as filed

   ☐ filed together with the international application in electronic form

   ☐ furnished subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/056259

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:

Reference is made to the following documents:

D1: EP 1 468 621 A1 (SALOMON SA [FR]) 20 October 2004 (2004-10-20)

D2: US 2003/061737 A1 (ZHU GEORGE [CN]) 3 April 2003 (2003-04-03)

D3: US 4 649 656 A (COX MICHAEL D [US] ET AL) 17 March 1987 (1987-03-17)

D4: DE 40 32 826 A1 (SALOMON SA [FR]) 23 May 1991 (1991-05-23)

D1 is considered to be the prior art closest to the subject matter of claim 1 and discloses (the references between parentheses relate to said document):

an item of footwear comprising an outer upper 30, an inner upper 40, an inner sole 12 and an outsole 11 (see figure 2), wherein the inner upper 40 has, at the top end of the upper, a top opening 45 with a circumferential periphery 46 and, at the bottom end of the upper, on the sole side, a bottom opening 42 with a circumferential periphery, and wherein the inner upper has a rear or heel region, two side regions and a front region, with a seam 43 running between the top and bottom openings, wherein the seam 43 runs from the top opening on the one side

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**

region to the bottom opening (see paragraphs [0013]-[0018]).

Therefore, the subject matter of claim 1 differs from the known item of footwear in that the seam runs from the top opening on the one side region, via the front region, to the bottom opening on the other side region.

The subject matter of claim 1 is thus novel (PCT Article 33(2)).

The problem addressed by the present invention can therefore be considered that of providing an alternative inner-upper design which is easier to pull over the lasts and makes for an easier subsequent lasting operation.

The solution to this problem, as proposed in claim 1 of the present application, involves an inventive step (PCT Article 33(3)) since none of the available prior-art documents has such an S-shaped seam in the instep region.

Claims 2-4 are dependent on claim 1 and therefore likewise meet the requirements of the PCT in respect of novelty and inventive step.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/991,622	11/08/2010	Paul Edmund Raith	147364	1091

25944 7590 01/03/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

ART UNIT	PAPER NUMBER
3728	

NOTIFICATION DATE	DELIVERY MODE
01/03/2011	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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

In re Application of RAITH, PAUL EDMUND et al Application No. 12/991,622 Filed: Nov. 8, 2010 Attorney Docket No 147364 For: FOOTWEAR	: : DECISION ON REQUEST TO : PARTICIPATE IN PATENT : PROSECUTION HIGHWAY : PILOT PROGRAM AND PETITION : TO MAKE SPECIAL UNDER : 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Dec. 29, 2010 to make the above-identified application special.

The request and petition are Granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must 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 Mickey Yu, the SPE of Art Unit 3728 and (571)272-4562 for Class 36/25 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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www.uspto.gov

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE CT 06468

MAILED

MAR 11 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
Rothman et al.	:	
Application No.: 12/991,636	:	DECISION
PCT No.: PCT/US2009/043438	:	
Int. Filing Date: 11 May 2009	:	ON
Priority Date: 09 May 2008	:	
Attorney Docket No.: 712-002.322-1	:	PETITION
For: Applications Of Sonar-Based VF-GVF	:	
Metering To Industrial Processing	:	

This is in response to the petitions under 37 CFR 1.182 filed on 06 January 2011 and 07 January 2011.

BACKGROUND

This international application was filed on 11 May 2009, claimed an earlier priority date of 09 May 2008, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 09 November 2010. Applicants filed *inter alia* the basic national fee on 08 November 2010.

DISCUSSION

Petitioner seeks "to correct a claim to priority from application serial no. 61/051,791 to application no. 61/051,781 consistent with that set forth in the PCT patent application..." 37 CFR 1.78(a) states (in part) that

> If the later-filed application is a nonprovisional application which entered the national stage from an international application after compliance with 35 U.S.C. 1.371, this reference must also be submitted within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) in the later-filed international application or sixteen months from the filing date of the prior-filed provisional application.

In view of the provision of this time period, the petitions under 37 CFR 1.182 are not required, and are hereby dismissed as moot.

DECISION

The petitions under 37 CFR 1.182 are **DISMISSED AS MOOT**, without prejudice.

No response to this Decision is required. If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time 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.

This application is being returned to the Office of Patent Application Processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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JEROME D. JACKSON (JACKSON PATENT LAW OFFICE)
211 N. UNION STREET, SUITE 100
ALEXANDRIA VA 22314

MAILED

DEC 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Frank Henry Parker	:	
Application No. 12/991,677	:	DECISION ON PETITION
Filed:	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 282.002	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

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

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

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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EURO-PRO OPERATING LLC
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED
JUN 17 2011
PCT LEGAL ADMINISTRATION

In re Application of ROSENZWEIG et al	:	
U.S. Application No.: 12/991,678	:	
PCT Application No.: PCT/US2009/043339	:	
Int. Filing Date: 08 May 2009	:	DECISION
Priority Date Claimed: 09 May 2008	:	
Attorney Docket No.: E0465.70046US02	:	
For: UNIVERSAL CONNECTOR FOR A FLUID MOP	:	

This is in response to applicant's correspondence filed 14 April 2011, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 08 May 2009, applicant filed international application PCT/US2009/043339, which claimed priority of an earlier United States application filed 09 May 2008. The thirty-month period for paying the basic national fee in the United States expired on 09 November 2010.

On 08 November 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 December 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 April 2011, applicant filed the present request for status under 37 CFR 1.42, including an executed declaration.

DISCUSSION

The declaration indicates that joint inventor Maximilian Rosenzweig is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 14 April 2011 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 08 May 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 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

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MAILED
AUG 10 2011
PCT LEGAL ADMINISTRATION

MENTOR GRAPHICS CORP.
PATENT GROUP
8005 SW BOECKMAN ROAD
WILSONVILLE, OR 97070-7777

In re Application of LIN et al	:	
U.S. Application No.: 12/991,688	:	
PCT Application No.: PCT/US2009/043214	:	
Int. Filing Date: 07 May 2009	:	DECISION
Priority Date Claimed: 07 May 2008	:	
Attorney Docket No.: 10493-N1/XY	:	
For: SCAN CELL USE WITH REDUCED	:	
POWER CONSUMPTION	:	

This is in response to applicant's petition under 37 CFR 1.497(d) filed 30 June 2011.

BACKGROUND

On 07 May 2009, applicant filed international application PCT/US2009/043214, which claimed priority of an earlier United States application filed 07 May 2008. The thirty-month period for paying the basic national fee in the United States expired on 08 November 2010.

On 08 November 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 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 30 June 2011, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Yu Huang should be deleted as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 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 § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee will be charged to Deposit Account No. 50-4256 as authorized in the petition.

With regard to item (3) above, the statement of consent is neither signed by a person whose title confers apparent authority to sign on behalf of the assignee nor states that the person signing is authorized to act on behalf of the assignee.

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MENTOR GRAPHICS CORP.
PATENT GROUP
8005 SW BOECKMAN ROAD
WILSONVILLE, OR 97070-7777

MAILED
NOV 02 2011
PCT LEGAL ADMINISTRATION

In re Application of LIN et al	:	
U.S. Application No.: 12/991,688	:	
PCT Application No.: PCT/US2009/043214	:	
Int. Filing Date: 07 May 2009	:	DECISION
Priority Date Claimed: 07 May 2008	:	
Attorney Docket No.: 10493-N1/XY	:	
For: SCAN CELL USE WITH REDUCED	:	
POWER CONSUMPTION	:	

This is in response to applicant's renewed petition under 37 CFR 1.497(d) filed 16 September 2011.

BACKGROUND

On 07 May 2009, applicant filed international application PCT/US2009/043214, which claimed priority of an earlier United States application filed 07 May 2008. The thirty-month period for paying the basic national fee in the United States expired on 08 November 2010.

On 08 November 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 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 30 June 2011, applicant filed a petition under 37 CFR 1.497(d) along with an executed declaration.

On 10 August 2011, this Office mailed a decision dismissing the 30 June 2011 petition.

On 16 September 2011, applicant filed the instant renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Yu Huang should be deleted as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 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 § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Applicant previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, the requisite written consent has been provided.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 07 May 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 30 June 2011.

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

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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:	12/991,714	Filing date:	November 9, 2010
First Named Inventor:	Satoshi Soeta		
Title of the Invention:	Single-Crystal Manufacturing Apparatus and Single-Crystal Manufacturing Method		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/002018

The international date of the corresponding PCT application(s) is/are: May 8, 2009

I. List of Required Documents:

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

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

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

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

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

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

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

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

(continued)

Application No.:	12/991,714
First Named Inventor:	Satoshi Soeta

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 9, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 9, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
5	1	A Preliminary Amendment was filed in the U.S. Application on
6	2	November 9, 2010 that canceled claims 1-4 in favor of new
7, 8	3	claims 5-12. The Preliminary Amendment was submitted to
9-12	4	address multiple dependencies in claims 3 and 4 of the PCT
		Application.
		Claim 5 in the U.S. Application sufficiently corresponds to
		claim 1 in the PCT Application.
		Claim 6 in the U.S. Application sufficiently corresponds to
		claim 2 in the PCT Application.
		Claims 7 and 8 in the U.S. Application address the multiple
		dependencies of claim 3 in the PCT Application.
		Claims 9-12 in the U.S. Application address the multiple
		dependencies of claim 4 in the U.S. Application.

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

Signature /Sarah Lhymn/	Date March 23, 2011
Name (Print/Typed) Sarah Lhymn for William P. Berridge	Registration Number 65,041

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.
12/991,714	11/09/2010	Satoshi Soeta	147494	1071

25944 7590 05/17/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KALISH, IRINA

ART UNIT	PAPER NUMBER
1714	

NOTIFICATION DATE	DELIVERY MODE
05/17/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CT

May 16, 2011

In re application of Satoshi Soeta et al Serial No. 12/991,714 Filed: November 9, 2010 For: SINGLE-CRYSTAL MANUFACTURING APPARATUS AND SINGLE-CRYSTAL MANUFACTURING 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 request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed March 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

PATENT COOPERATION TREATY

PCT/JP2009/059177

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)

(PCT Rules 44*bis*.3(c) and 72.2)

To:

IWAMI, Tomonori
c/o Intellectual Property Department
TORAY INDUSTRIES, INC.
1-1, Sonoyama 1-chome
Otsu-shi, Shiga 5208558
JAPON

Date of mailing *(day/month/year)* 20 January 2011 (20.01.2011)	
Applicant's or agent's file reference TP-09036-PCT	**IMPORTANT NOTIFICATION**
International application No. PCT/JP2009/059177	International filing date *(day/month/year)* 19 May 2009 (19.05.2009)
Applicant TORAY INDUSTRIES, INC. et al	

1. **Transmittal of the translation to the applicant.**

☒ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. **Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AO, AP, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW

3. **Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference TP-09036-PCT	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/059177	International filing date *(day/month/year)* 19 May 2009 (19.05.2009)	Priority date *(day/month/year)* 21 May 2008 (21.05.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant TORAY INDUSTRIES, INC.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis*.2).

	Date of issuance of this report 11 January 2011 (11.01.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	25.08.2009
Applicant's or agent's file reference TP-09036-PCT	FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/059177	19.05.2009	21.05.2008

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

Applicant
TORAY INDUSTRIES, INC.

1. This opinion contains indications relating to the following items:

- [x] Box No. I — Basis of the opinion
- [ ] Box No. II — Priority
- [ ] Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV — Lack of unity of invention
- [x] Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI — Certain documents cited
- [ ] Box No. VII — Certain defects in the international application
- [ ] Box No. VIII — Certain observations on the international application

2. FURTHER ACTION

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

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

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

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

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/059177

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/JP2009/059177

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

1. Statement

Novelty (N)	Claims	1-14,18,19	YES
	Claims	15-17,20	NO
Inventive step (IS)	Claims	1-14,19	YES
	Claims	15-18,20	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2003-519111 A (Roketto Furure), 17 June 2003
Document 2: JP 2004-43722 A (Hitachi Chemical Company, Ltd.), 12 February 2004

The invention as set forth in claim 15 of the present application lacks novelty in view of documents 1 and 2 cited in the ISR. Document 1 (refer to claim 3, paragraph [0031]) and document 2 (refer to paragraph [0012]) are considered to disclose the invention as set forth in claim 15 of the present application.

The invention as set forth in claims 16 and 20 of the present application lacks novelty in view of document 1. Document 1 (refer to claim 3) is considered to disclose the invention as set forth in claims 16 and 20 of the present application.

The invention as set forth in claim 17 of the present application lacks novelty in view of document 2. Document 2 (refer to paragraph [0012]) is considered to disclose the invention as set forth in claim 17 of the present application.

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

The invention as set forth in claim 18 of the present application does not involve an inventive step in view of document 2. The invention defining matter described in claim 18 of the present application could be performed by a person skilled in the art as appropriate, and further, the numerical range is not considered to have critical significance.

The documents cited in the ISR cannot deprive the invention as set forth in claims 1-14 and 19 of the present application of novelty and inventive step.

VERIFICATION OF TRANSLATION

I, Iwao Okazaki of TORAY INTELLECTUAL PROPERTY CENTER, LTD. at 1-1, Sonoyama 1-chome, Otsu, Shiga 520-8558, Japan do solemnly and sincerely declare that the English text in the middle column of Exhibit A is a correct translation of the allowed claims of PCT/JP2009/059177, which are faithfully reproduced in the left column of Exhibit A, to the best of my knowledge.

Dated this 15 day of February, 2011

Iwao Okazaki

Iwao Okazaki
TORAY INTELLECTUAL PROPERTY CENTER, LTD.

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

Application No:	12/991,715	Filing date:	November 9, 2010
First Named Inventor:	Tatsuya Nagano		
Title of the Invention:	METHOD FOR PRODUCING ALIPHATIC POLYESTER RESIN, AND AN ALIPHATIC POLYESTER RESI		

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/JP2009/059177

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

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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

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

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

(continued)

Application No.:	12/991,715
First Named Inventor:	Tatsuya Nagano

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

☐ is attached

☑ Has already been filed in the above-identified U.S. application on November 9, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 9, 2010

II. Claims Correspondence Table:

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

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

Signature	Date February 22, 2011
Name (Print/Typed) T. Daniel Chirstenbury	Registration Number 31,750

Privacy Act Statement

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

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

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

Claim No.	International Application No. PCT/JP2009/059177 in Japanese	International Application No. PCT/JP2009/059177 in English	Claim No.	US Application No. 12/991,715 after Supplemental Preliminary Amendment
1	スルホン酸基含有化合物を触媒として、溶融重合工程とそれに続く固相重合工程を含む脂肪族ポリエステル樹脂の製造方法であって、溶融重合時のスルホン酸基含有化合物の添加量が、酸素原子換算で原料モノマーに対し３００～３０００ｐｐｍであり、固相重合後のスルホン酸基含有化合物の含有量が、酸素原子換算で生成する脂肪族ポリエステル樹脂に対し３００～３０００ｐｐｍであり、かつ固相重合後のスルホン酸基含有化合物の残存率が５０％超であることを特徴とする脂肪族ポリエステル樹脂の製造方法。	A method for producing an aliphatic polyester resin using a sulfonic acid group-containing compound as a catalyst, comprising a melt polymerization step, and a subsequent solid phase polymerization step, wherein the addition amount of the sulfonic acid group-containing compound during melt polymerization is 300 to 3000 ppm with respect to a raw material monomer calculated as sulfur atoms, the content of the sulfonic acid group-containing compound after solid phase polymerization is 300 to 3000 ppm with respect to a produced aliphatic polyester resin calculated as sulfur atoms, and a residual rate of the sulfonic acid group-containing compound after solid phase polymerization is more than 50%.	1	A method for producing an aliphatic polyester resin using a sulfonic acid group-containing compound as a catalyst, comprising: melt polymerizing a raw material monomer, wherein an addition amount of the sulfonic acid group-containing compound during melt polymerization is 300 to 3000 ppm with respect to the raw material monomer calculated as sulfur atoms; and solid phase polymerizing a resulting melt polymer, wherein the content of the sulfonic acid group-containing compound after solid phase polymerization is 300 to 3000 ppm with respect to a produced aliphatic polyester resin calculated as sulfur atoms, and a residual rate of the sulfonic acid group-containing compound after solid phase polymerization is more than 50%.

Claim No.	International Application No. PCT/JP2009/059177 in Japanese	International Application No. PCT/JP2009/059177 in English	Claim No.	US Application No. 12/991,715 after Supplemental Preliminary Amendment
2	固相重合後のスルホン酸基含有化合物の含有量が、硫黄原子換算で生成する脂肪族ポリエステル樹脂に対し３００～３０００ｐｐｍであり、かつ固相重合後のスルホン酸基含有化合物の残存率が８０％以上であることを特徴とする請求項１に記載の脂肪族ポリエステル樹脂の製造方法。	The method for producing an aliphatic polyester resin according to claim 1, wherein the content of the sulfonic acid group-containing compound after solid phase polymerization is 300 to 3000 ppm with respect to a produced aliphatic polyester resin calculated as sulfer atoms, and a residual rate of the sulfonic acid group-containing compound after solid phase polymerization is 80% or more.	2	The method according to claim 1, wherein the content of the sulfonic acid group-containing compound after solid phase polymerization is 300 to 3000 ppm with respect to the produced aliphatic polyester resin calculated as sulfur atoms, and a residual rate of the sulfonic acid group-containing compound after solid phase polymerization is 80% or more.
3	スルホン酸基含有化合物が、１分子中に２個以上のスルホン酸基を有することを特徴とする請求項１に記載の脂肪族ポリエステル樹脂の製造方法。	The method for producing an aliphatic polyester resin according to claim 1, wherein the sulfonic acid group-containing compound has 2 or more sulfonic acid groups in one molecule.	3	The method according to claim 1, wherein the sulfonic acid group-containing compound has 2 or more sulfonic acid groups in one molecule.

Claim No.	International Application No. PCT/JP2009/059177 in Japanese	International Application No. PCT/JP2009/059177 in English	Claim No.	US Application No. 12/991,715 after Supplemental Preliminary Amendment
4	１分子中に２個以上のスルホン酸基を有するスルホン酸基含有化合物が、メタンジスルホン酸、エタンジスルホン酸、プロパンジスルホン酸、ブタンジスルホン酸、ベンゼンジスルホン酸、ナフタレンジスルホン酸、ビフェニルジスルホン酸、フェノールジスルホン酸、カテコールジスルホン酸、ベンジジンジスルホン酸、ナフトールジスルホン酸、ベンゼントリスルホン酸から選ばれる１種以上であることを特徴とする請求項３に記載の脂肪族ポリエステル樹脂の製造方法。	The method for producing an aliphatic polyester resin according to claim 3, wherein the sulfonic acid group-containing compound having 2 or more sulfonic acid groups in one molecule is one or more kinds selected from methanedisulfonic acid, ethanedisulfonic acid, propanedisulfonic acid, butanedisulfonic acid, benzenedisulfonic acid, naphthalenedisulfonic acid, biphenyldisulfonic acid, phenoldisulfonic acid, catecholdisulfonic acid, benzidinedisulfonic acid, naphtholdisulfonic acid, and benzenetrisulfonic acid.	4	The method according to claim 3, wherein the sulfonic acid group-containing compound having 2 or more sulfonic acid groups in one molecule is one or more kinds selected from the group consisting of methanedisulfonic acid, ethanedisulfonic acid, propanedisulfonic acid, butanedisulfonic acid, benzenedisulfonic acid, naphthalenedisulfonic acid, biphenyldisulfonic acid, phenoldisulfonic acid, catecholdisulfonic acid, benzidinedisulfonic acid, naphtholdisulfonic acid, and benzene-trisulfonic acid.
5	溶融重合工程開始前から固相重合工程開始前までのいずれかの段階で、スルホン酸基含有化合物を添加することを特徴とする請求項１に記載の脂肪族ポリエステル樹脂の製造方法。	The method for producing an aliphatic polyester resin according to claim 1, wherein the sulfonic acid group-containing compound is added at any stage from before initiation of the melt polymerization step to before initiation of the solid phase polymerization step.	5	The method according to claim 1, wherein the sulfonic acid group-containing compound is added at any time from before initiation of melt polymerization to before initiation of solid phase polymerization.

Claim No.	International Application No. PCT/JP2009/059177 in Japanese	International Application No. PCT/JP2009/059177 in English	Claim No.	US Application No. 12/991,715 after Supplemental Preliminary Amendment
6	さらに、含窒素有機化合物、アルカリ金属化合物、アルカリ土類金属化合物から選ばれる１種以上の化合物を添加することを特徴とする請求項１に記載の脂肪族ポリエステル樹脂の製造方法。	The method for producing an aliphatic polyester resin according to claim 1, wherein one or more kinds of compounds selected from a nitrogen-containing organic compound, an alkali metal compound, and an alkaline earth metal compound are further added.	6	The method according to claim 1, wherein one or more kinds of compounds selected from the group consisting of a nitrogen-containing organic compound, an alkali metal compound, and an alkaline earth metal compound are further added.
7	含窒素有機化合物が、芳香族アミン化合物、炭素数４以上のアルキルアミン化合物、ピリミジン骨格を有する化合物から選ばれる１種以上、アルカリ金属化合物が、炭素数４以上の有機カルボン酸アルカリ金属化合物から選ばれる１種以上、アルカリ土類金属化合物が、炭素数４以上の有機カルボン酸アルカリ土類金属化合物から選ばれる１種以上であることを特徴とする請求項６に記載の脂肪族ポリエステル樹脂の製造方法。	The method for producing an aliphatic polyester resin according to claim 6, wherein the nitrogen-containing organic compound is one or more kinds selected from an aromatic amine compound, an alkylamine compound having 4 or more carbon atoms, and a compound having a pyrimidine skeleton, the alkali metal compound is one or more kinds selected from an organic carboxylic acid alkali metal compound having 4 or more carbon atoms, and the alkaline earth metal compound is one or more kinds selected from an organic carboxylic acid alkaline earth metal compound having 4 or more carbon atoms.	7	The method according to claim 6, wherein the nitrogen-containing organic compound is one or more selected from the group consisting of an aromatic amine compound, an alkylamine compound having 4 or more carbon atoms, and a compound having a pyrimidine skeleton, the alkali metal compound is one or more kinds selected from an organic carboxylic acid alkali metal compound having 4 or more carbon atoms, and the alkaline earth metal compound is one or more kinds selected from the group consisting of an organic carboxylic acid alkaline earth metal compound having 4 or more carbon atoms.

Claim No.	International Application No. PCT/JP2009/059177 in Japanese	International Application No. PCT/JP2009/059177 in English	Claim No.	US Application No. 12/991,715 after Supplemental Preliminary Amendment
8	含窒素有機化合物、アルカリ金属化合物、アルカリ土類金属化合物から選ばれる１種以上の化合物を、スルホン酸基含有化合物の添加後に、添加することを特徴とする請求項６に記載の脂肪族ポリエステル樹脂の製造方法。	The method for producing an aliphatic polyester resin according claim 6, wherein one or more kinds of compounds selected from the nitrogen-containing organic compound, the alkali metal compound and the alkaline earth metal compound are added after addition of the sulfonic acid group-containing compound.	8	The method according claim 6, wherein one or more compounds selected from the group consisting of the nitrogen-containing organic compound, the alkali metal compound and the alkaline earth metal compound are added after addition of the sulfonic acid group-containing compound.
9	さらに、スズ化合物、チタン化合物、鉛化合物、亜鉛化合物、コバルト化合物、鉄化合物、リチウム化合物、希土類化合物から選ばれる１種以上の金属化合物を添加することを特徴とする請求項１に記載の脂肪族ポリエステル樹脂の製造方法。	The method for producing an aliphatic polyester resin according to claim 1, wherein one or more kinds of metal compounds selected from a tin compound, a titanium compound, a lead compound, a zinc compound, a cobalt compound, an iron compound, a lithium compound, and a rare earth compound are further added.	9	The method according to claim 1, wherein one or more metal compounds selected from the group consisting of a tin compound, a titanium compound, a lead compound, a zinc compound, a cobalt compound, an iron compound, a lithium compound, and a rare earth compound are further added.

Claim No.	International Application No. PCT/JP2009/059177 in Japanese	International Application No. PCT/JP2009/059177 in English	Claim No.	US Application No. 12/991,715 after Supplemental Preliminary Amendment
10	請求項９記載の、スズ化合物、チタン化合物、鉛化合物、亜鉛化合物、コバルト化合物、鉄化合物、リチウム化合物、希土類化合物の総金属モル量に対するスルホン酸基含有化合物の硫黄原子モル量との比が、３．０～５０であることを特徴とする請求項９に記載の脂肪族ポリエステル樹脂の製造方法。	The method for producing an aliphatic polyester resin according to claim 9, wherein the ratio of a sulfur atom molar amount of the sulfonic acid group-containing compound with respect to a total metal molar amount of the tin compound, the titanium compound, the lead compound, the zinc compound, the cobalt compound, the iron compound, the lithium compound, and the rare earth compound after solid phase polymerization is 3.0 to 50.	10	The method according to claim 9, wherein the ratio of a sulfur atom molar amount of the sulfonic acid group-containing compound with respect to a total metal molar amount of the tin compound, the titanium compound, the lead compound, the zinc compound, the cobalt compound, the iron compound, the lithium compound, and the rare earth compound after solid phase polymerization is 3.0 to 50.

Claim No.	International Application No. PCT/JP2009/059177 in Japanese	International Application No. PCT/JP2009/059177 in English	Claim No.	US Application No. 12/991,715 after Supplemental Preliminary Amendment
11	溶融重合工程を少なくとも下記の２段階を含む条件で連続的に行い、かつ固相重合工程をすくなくとも下記の２段階を含む条件で連続的に行うことを特徴とする請求項１に記載の脂肪族ポリエステル樹脂の製造方法。 溶融重合工程　条件１　１４０℃～１６０℃、１３．３～６６．６ｋＰａ 条件２　１６０℃～１８０℃、１．３～６．５ｋＰａ 固相重合工程　条件１　１３０℃～１５０℃ 条件２　１５０℃超～１６５℃	The method for producing an aliphatic polyester resin according to claim 1, wherein the melt polymerization step is continuously performed under a condition including at least the following 2 stages, and the solid phase polymerization step is continuously performed under the condition including at least the following 2 stages. Melt polymerization step Condition 1 140°C to 160°C, 13.3 to 66.6 kPa Condition 2 160°C to 180°C, 1.3 to 6.5 kPa Solid phase polymerization step Condition 1 130°C to 150°C Condition 2 higher than 150°C to 165°C	11	The method according to claim 1, wherein the melt polymerization is continuously performed under a condition including at least 2 stages, and the solid phase polymerization is continuously performed under the condition including at least the 2 stages: Melt polymerization: Condition 1 140°C to 160°C, 13.3 to 66.6 kPa; Condition 2 160°C to 180°C, 1.3 to 6.5 kPa, Solid phase polymerization: Condition 1 130°C to 150°C; Condition 2 higher than 150°C to 165°C.
12	溶融重合工程開始前から固相重合工程終了後のいずれかの段階において、安定剤を添加することを特徴とする請求項１に記載の脂肪族ポリエステル樹脂の製造方法。	The method for producing an aliphatic polyester resin according to claim 1, wherein a stabilizer is added at any stage from before initiation of the melt polymerization step to after completion of the solid phase polymerization step.	12	The method according to claim 1, wherein a stabilizer is added at any time from before initiation of melt polymerization to after completion of solid phase polymerization.

Claim No.	International Application No. PCT/JP2009/059177 in Japanese	International Application No. PCT/JP2009/059177 in English	Claim No.	US Application No. 12/991,715 after Supplemental Preliminary Amendment
13	溶融重合工程および固相重合工程それぞれの重合反応を連続法により行うことを特徴とする請求項１に記載の脂肪族ポリエステル樹脂の製造方法。	The method for producing an aliphatic polyester resin according to claim 1, wherein each polymerization reaction of the melt polymerization step and the solid phase polymerization step is performed by a continuous method.	13	The method according to claim 1, wherein each polymerization reaction of melt polymerization and solid phase polymerization is performed continuously.
14	脂肪族ポリエステルがポリ乳酸系樹脂であることを特徴とする請求項１に記載の脂肪族ポリエステル樹脂の製造方法。	The method for producing an aliphatic polyester resin according to claim 1, wherein the aliphatic polyester resin is a polylactic acid-based resin.	14	The method according to claim 1, wherein the aliphatic polyester resin is a polylactic acid-based resin.
15	脂肪族ポリエステル樹脂に、１分子中に２個以上のスルホン酸基を有するスルホン酸基含有化合物を硫黄原子換算で脂肪族ポリエステル樹脂に対し３００～３０００ｐｐｍ含有することを特徴とする脂肪族ポリエステル樹脂組成物。	An aliphatic polyester resin composition containing a sulfonic acid group-containing compound having 2 or more sulfonic acid groups in one molecule, in an aliphatic polyester resin, in a content of 300 to 3000 ppm with respect to the aliphatic polyester resin calculated as sulfer atoms.	15	An aliphatic polyester resin composition containing a sulfonic acid group-containing compound having 2 or more sulfonic acid groups in one molecule, in an aliphatic polyester resin, at a content of 300 to 3000 ppm with respect to the aliphatic polyester resin calculated as sulfur atoms, and having a weight average molecular weight of 100,000 or more, a ratio of a weight average molecular weight with respect to a number average molecular weight of 1.4 to 3, and a weight decrease rate when retained at 200°C for 20 minutes under a nitrogen stream of 0.6% or less.

Claim No.	International Application No. PCT/JP2009/059177 in Japanese	International Application No. PCT/JP2009/059177 in English	Claim No.	US Application No. 12/991,715 after Supplemental Preliminary Amendment
16	１分子中に２個以上のスルホン酸基を有するスルホン酸基含有化合物が、メタンジスルホン酸、エタンジスルホン酸、プロパンジスルホン酸、ブタンジスルホン酸、ベンゼンジスルホン酸、ナフタレンジスルホン酸、ビフェニルジスルホン酸、フェノールジスルホン酸、カテコールジスルホン酸、ベンジジンジスルホン酸、ナフトールジスルホン酸、ベンゼントリスルホン酸から選ばれる１種以上であることを特徴とする請求項１５に記載の脂肪族ポリエステル樹脂組成物。	The aliphatic polyester resin composition according to claim 15, wherein the sulfonic acid group-containing compound having 2 or more sulfonic acid groups in one molecule is one or more kinds selected from methanedisulfonic acid, ethanedisulfonic acid, propanedisulfonic acid, butanedisulfonic acid, benzenedisulfonic acid, naphthalenedisulfonic acid, biphenyldisulfonic acid, phenoldisulfonic acid, catecholdisulfonic acid, benzidinedisulfonic acid, naphtholdisulfonic acid, and benzenetrisulfonic acid.	16	The aliphatic polyester resin composition according to claim 15, wherein the sulfonic acid group-containing compound having 2 or more sulfonic acid groups in one molecule is one or more kinds selected from the group consisting of methane-disulfonic acid, ethanedisulfonic acid, propanedisulfonic acid, butanedisulfonic acid, benzene-disulfonic acid, naphthalenedisulfonic acid, biphenyldisulfonic acid, phenoldisulfonic acid, catecholdisulfonic acid, benzidinedisulfonic acid, naphtholdisulfonic acid, and benzene-trisulfonic acid.
17	さらに、含窒素有機化合物、アルカリ金属化合物、アルカリ土類金属化合物から選ばれる１種以上の化合物を含有することを特徴とする請求項１５に記載の脂肪族ポリエステル樹脂組成物。	The aliphatic polyester resin composition according to claim 15, further containing one or more kinds of compounds selected from a nitrogen-containing organic compound, an alkali metal compound, and an alkaline earth metal compound.	17	The aliphatic polyester resin composition according to claim 15, further comprising one or more kinds of compounds selected from the group consisting of a nitrogen-containing organic compound, an alkali metal compound, and an alkaline earth metal compound.

Claim No.	International Application No. PCT/JP2009/059177 in Japanese	International Application No. PCT/JP2009/059177 in English	Claim No.	US Application No. 12/991,715 after Supplemental Preliminary Amendment
18	１分子中に２個以上のスルホン酸基を有するスルホン酸基含有化合物の硫黄原子モル数に対する含窒素有機化合物の窒素原子モル数の比が０．３～３．３であることを特徴とする請求項１７に記載の脂肪族ポリエステル樹脂組成物。	The aliphatic polyester resin composition according to claim 17, wherein the ratio of a nitrogen atom molar amount of the nitrogen-containing organic compound with respect to a sulfur atom molar amount of the sulfonic acid group-containing compound having 2 or more sulfonic acid groups in one molecule is 0.3 to 3.3.	18	The aliphatic polyester resin composition according to claim 17, wherein a ratio of a nitrogen atom molar amount of the nitrogen-containing organic compound with respect to a sulfur atom molar amount of the sulfonic acid group-containing compound having 2 or more sulfonic acid groups in one molecule is 0.3 to 3.3.
19	重量平均分子量が１０万以上であり、数平均分子量に対する重量平均分子量の比が１．４～３であり、窒素気流下２００℃で２０分保持した時の重量減少率が０．６％以下であることを特徴とする請求項１５に記載の脂肪族ポリエステル樹脂組成物。	The aliphatic polyester resin composition according to claim 15, wherein a weight average molecular weight is 100000 or more, the ratio of a weight average molecular weight with respect to a number average molecular weight is 1.4 to 3, and a weight decrease rate when retained at 200oC for 20 minutes under a nitrogen stream is 0.6% or less.	19	Cancelled.
20	脂肪族ポリエステル樹脂がポリ乳酸系樹脂であることを特徴とする請求項１５に記載の脂肪族ポリエステル樹脂組成物。	The aliphatic polyester resin composition according to claim 15, wherein the aliphatic polyester resin is a polylactic acid-based resin.	20	The aliphatic polyester resin composition according to claim 15, wherein the aliphatic polyester resin is a polylactic acid-based resin.

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IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

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

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WG

March 22, 2011

In re application of Tatsuya Nagano et al. Serial No. 12/991,715 Filed: November 29, 2010 For: METHOD FOR PRODUCING ALIPHATIC POLYESTER RESIN AND AN ALIPHATIC POLYESTER RESIN COMPOSITION	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 22, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

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

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

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: JMYT-494US	Application Number (if known): 12/991,741	Filing date: 11/09/2010
First Named Inventor: Janet Mary Fisher		
Title: EXHAUST SYSTEM FOR LEAN-BURN INTERNAL COMBUSTION ENGINE COMPRISING PD-AU-ALLOY CATALYST		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature	Date January 13, 2012
Name (Print/Typed) Christopher R. Lewis	Registration Number 36,201

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

Appln. No:	12/991,741
Applicants:	Janet Mary Fisher et al.
Filed:	November 9, 2010
Title:	EXHAUST SYSTEM FOR LEAN-BURN INTERNAL COMBUSTION ENGINE COMPRISING PD-AU-ALLOY CATALYST
TC/A.U.:	3748
Examiner:	To Be Assigned
Confirmation No.:	1330
Docket No.:	JMYT-494US

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM - STATEMENTS OF SPECIAL STATUS

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

Sir:

In accordance with the requirements of the Petition to Make Special Under the Green Technology Pilot Program, filed herewith, we respectfully request consideration of the following statements:

1. If the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant hereby agrees to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements of the program.

2. The claims of the above-referenced application are 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.

3. The application disclosure is clear on its face that the claimed invention materially contributes to (1) development of renewable energy or energy conservation, or (2) greenhouse gas emission reduction. To avoid any doubt, a statement signed by the attorney/agent registered to practice before the USPTO, in accordance with 37 CFR 1.33(b), explaining how the materiality standard is met is provided below.

    a. The claimed invention of the above-referenced application materially contributes to greenhouse gas emission reduction technologies. Specifically, the present invention relates to an apparatus comprising an exhaust system comprising at least one catalytic aftertreatment component. Various embodiments of the invention reduce the emissions of nitrogen oxides (NO_x) and hydrocarbons. Thus, embodiments of the claimed invention function to reduce the emission of known greenhouse gases, such as nitrogen oxides and hydrocarbons, such as methane, from a lean burn internal combustion engine. Accordingly, the materiality standard is met.

As the requirements of the Green Technology Pilot Program have been met in the above-referenced application, special status and advancement out of turn for examination is respectfully requested.

Respectfully submitted,

Christopher R. Lewis, Reg. No. 36,201
Attorney for Applicants

CRL/lrb

Dated: January 13, 2012

P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith..

1455687_1

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/991,741	04/04/2011	Janet Mary Fisher	JMYT-494US	1330

95567 7590 01/23/2012
RatnerPrestia (JM)
P.O. Box 980
Valley Forge, PA 19482-0980

EXAMINER

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
01/23/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RatnerPrestia (JM)
P.O. Box 980
Valley Forge PA 19482-0980

In re Application of	:	
FISHER, JANET MARY et al	:	DECISION ON PETITION
Application No. 12/991,741	:	TO MAKE SPECIAL UNDER
Filed: Nov. 9, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. JMYT-494US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 13, 2012, 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 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/991,755	01/28/2011	Pirjo Laakkonen	0933-0340PUS2	1507

2292 7590 07/21/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
1654	

NOTIFICATION DATE	DELIVERY MODE
07/21/2011	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):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 21 2011

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
LAAKKONEN ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/991,755	:	PROSECUTION HIGHWAY
Filed: January 28, 2011	:	PROGRAM AND PETITION
Attorney Docket No. 0933-0340PUS2	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 24, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application 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 with NBPR, 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 with NBPR, 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 with NBPR, or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or (iii) contains no priority claim;
(2) The NBPR application(s) has at least one claim that was determined by NBPR to be allowable;
(3) All the claims in each U.S. application for which a request for participation in the PPH pilot program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable claims in the NBPR application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions (which are relevant to patentability) from each of the NBPR application(s) containing the allowable claims that are the basis for the request;
(6) Applicant must submit a copy of the allowable claims from the NBPR application(s) , along

with an English translation thereof and a statement that the English translation is accurate if the Office actions are not in the English language;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the NBPR examiner in the NBPR office action (unless such an IDS has already been filed in the U.S. application).

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

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

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

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/991,757	11/09/2010	Osamu Kazeto	370466US99PCT	1516

22850 7590 03/23/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
1787	

NOTIFICATION DATE	DELIVERY MODE
03/23/2011	ELECTRONIC

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

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

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

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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March 22, 2011 WG

In re application of Osamu Kazeto Serial No. 12/991,757 Filed: November 9, 2010 For: RESIN COMPOSITION AND MULTILAYER STRUCTURE USING SAME	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed November 16, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

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

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

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

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

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

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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:	12/991,855	Filing date:	November 9, 2010
First Named Inventor:	BENEDINI		
Title of the Invention:	Nitric Oxide Donating Prostamides		

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

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

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

The corresponding PCT application number(s) is/are: PCT/IB2009/005594

The international filing 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)**

- [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

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

(continued)

Application No.:	12/991,855
First Named Inventor:	BENEDINI

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on November 9, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on November 9, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
See attached chart		

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

Signature	Date March 17, 2011
Name (Print/Typed) Yelee Y. Kim	Registration Number 60,088

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 NP 0075	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/IB2009/005594	International filing date *(day/month/year)* 11 May 2009 (11.05.2009)	Priority date *(day/month/year)* 09 May 2008 (09.05.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant NICOX S.A.		

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 09 November 2010 (09.11.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Cecile Chatel e-mail: ro.ib@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/IB2009/005594	11.05.2009	09.05.2008

International Patent Classification (IPC) or both national classification and IPC
INV. C07C291/00 C07C405/00 A61P27/06 A61K31/16 A61K31/04

Applicant
PFIZER INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	see form PCT/ISA/210	Delanghe, Patrick Telephone No. +31 70 340-4119

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IB2009/005594

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

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

1. Statement

Novelty (N)	Yes:	Claims	1-20
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-20
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-20
	No:	Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. **Document**

   Reference is made to the following document:

   D1: WO 2007/000641 A2 (2007-01-04)

2. **Novelty**

   D1 discloses prostaglandin derivatives having a substituted amide functionality on one of the side chains, to be used as antiglaucoma agent (see abstract). In a specific compound D1 discloses (see page 87, compound 105) that the nitrogen atom of the amide is substituted with an alkylnitroso chain.

   The subject-matter of claims 1,4,6-14,16,17,19 and 20 differs from this known compound 105 of D1 in that the atom attached to the nitrogen atom of the amide is a carbonyl(oxy) group and/or that the carbonyl(oxy)nitroso chain is attached to a hydroxyl group of the prostaglandin.

   The subject-matter of claims 1,4,6-14,16,17,19 and 20 is therefore new (Article 33(2) PCT).

3. **Inventive step**

   The problem to be solved by the present invention may be regarded as the provision of further prostaglandin compounds to be used against glaucoma.

   The solution to this problem proposed in claims 1,4,6-14,16,17,19 and 20 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

   Nowhere in D1 it is suggested that substitution of the amide and/or hydroxyl groups of the prostaglandin skeleton with carbonyl(oxy)alkyl-, aryl-, heteroarylnitroso groups leads to compounds which have an activity against glaucoma.

Claims 2-3,5,15,18 are dependent on claims 1,4,14 and 17 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

4. Industrial applicability

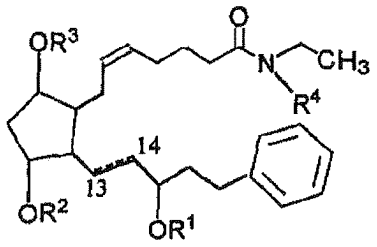
Claim 19 relates to subject-matter considered by this Authority to be covered by the provisions of Rule 39.1(iv) / 67.1(iv) PCT.

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.

The search has been carried out and based on the alleged effects of the compounds/compositions.

CLAIMS OF CORRESPONDING PCT/IB2009/005594

Claim 1. A compound of formula (I):



(I)

wherein:

the symbol --- represents a single or double bond in the cis or trans configuration;

R^1, R^2, R^3 and R^4 are each independently H, $-C(O)R^5-ONO_2$, $-C(O)OR^5-ONO_2$, $-C(O)R^5R^6-ONO_2$, $-[C(O)R^5]_m-ONO_2$, $-C(O)R^5-[OC(O)R^6]_n-ONO_2$, $-C(O)R^5-[(O)CR^6]_n-ONO_2$, $-C(O)R^5-[(O)R^6]_n-ONO_2$, $-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$, with the proviso that R^1, R^2, R^3 and R^4 cannot all be H;

each R^5 and R^6, which may be the same or different, is independently selected from C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic;

wherein each of said C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic moieties is optionally substituted with one or more of halo, cyano, nitro, azido, N, O, S, NO_2 or ONO_2;

each m is independently selected from 1 to 6; and

each n is independently selected from 1 to 6;

or a pharmaceutically acceptable salt or stereoisomer thereof.

Claim 2. A compound of formula (I) according to claim 1 wherein:

R^1 and R^2 are both H; and

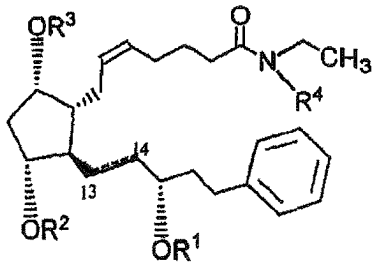
the bond between the carbon atoms in positions 13 and 14 is a double bond.

Claim 3. A compound of formula (I) according to claim 1 wherein:

R^1, R^2 and R^3 are H; and

the bond between the carbon atoms in positions 13 and 14 is a double bond.

Claim 4. A compound of Formula (II):



(II)

wherein:

the symbol = represents a single or double bond in the cis or trans configuration;

R^1, R^2, R^3 and R^4 are each independently H, $-C(O)R^5-ONO_2$, $-C(O)OR^5-ONO_2$, $-C(O)R^5R^6-ONO_2$, $-[C(O)R^5]_m-ONO_2$, $-C(O)R^5-(OC(O)R^6]_n-ONO_2$, $-C(O)R^5-[(O)CR^6]_n-ONO_2$, $-C(O)R^5-[(O)R^6]_n-ONO_2$, $-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$, with the proviso that R^1, R^2, R^3 and R^4 cannot all be H;

each R^5 and R^6, which may be the same or different, is independently selected from C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic;

wherein each of said C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic moieties is optionally substituted with one or more of halo, cyano, nitro, azido, N, O, S, NO_2 or ONO_2;

each m is independently selected from 1 to 6; and

each n is independently selected from 1 to 6;

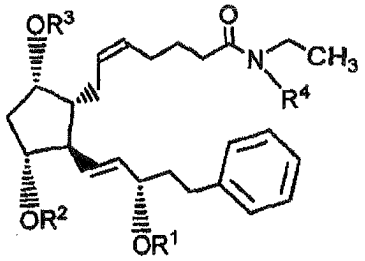
or a pharmaceutically acceptable salt or stereoisomer thereof.

Claim 5. A compound of formula (II) according to claim 4 wherein:

R^1 and R^2 are both H; and

the bond between the carbon atoms in positions 13 and 14 is a double bond.

Claim 6. A compound of Formula (III):



(III)

wherein:

R^1, R^2, R^3 and R^4 are each independently H, $-C(O)R^5-ONO_2$, $-C(O)OR^5-ONO_2$, $-C(O)R^5R^6-ONO_2$, $-[C(O)R^5]_m-ONO_2$, $-C(O)R^5-[OC(O)R^6]_n-ONO_2$, $-C(O)R^5-[(O)CR^6]_n-ONO_2$, $-C(O)R^5-[(O)R^6]_n-ONO_2$, $-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$, with the proviso that R^1, R^2, R^3 and R^4 cannot all be H;

each R^5 and R^6, which may be the same or different, is independently selected from C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic;

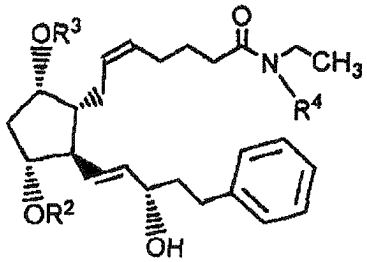
wherein each of said C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic moieties is optionally substituted with one or more of halo, cyano, nitro, azido, N, O, S, NO_2 or ONO_2;

each m is independently selected from 1 to 6; and

each n is independently selected from 1 to 6;

or a pharmaceutically acceptable salt or stereoisomer thereof.

Claim 7. A compound of Formula (IV):



(IV)

wherein:

R^2, R^3 and R^4 are each independently H, $-C(O)R^5-ONO_2$, $-C(O)OR^5-ONO_2$, $-C(O)R^5R^6-ONO_2$, $-[C(O)R^5]_m-ONO_2$, $-C(O)R^5-(OC(O)R^6]_n-ONO_2$, $-C(O)R^5-[(O)CR^6]_n-ONO_2$, $-C(O)R^5-[(O)R^6]_n-ONO_2$, $-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$, with the proviso that R^2, R^3 and R^4 cannot all be H;

each R^5 and R^6, which may be the same or different, is independently selected from C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic;

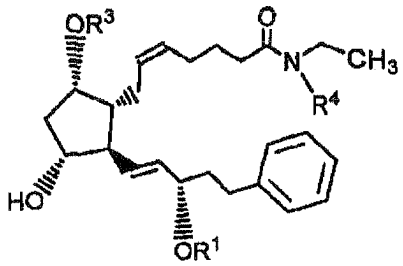
wherein each of said C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic moieties is optionally substituted with one or more of halo, cyano, nitro, azido, N, O, S, NO_2 or ONO_2;

each m is independently selected from 1 to 6;

each n is independently selected from 1 to 6;

or a pharmaceutically acceptable salt or stereoisomer thereof

Claim 8. A compound of Formula (V):



(V)

wherein:

R^1, R^3 and R^4 are each independently H, $-C(O)R^5-ONO_2$, $-C(O)OR^5-ONO_2$, $-C(O)R^5R^6-ONO_2$, $-[C(O)R^5]_m-ONO_2$, $-C(O)R^5-[OC(O)R^6]_n-ONO_2$, $-C(O)R^5-[(O)CR^6]_n-ONO_2$, $-C(O)R^5-[(O)R^6]_n-ONO_2$, $-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$, with the proviso that R^1, R^3 and R^4 cannot all be H;

each R^5 and R^6, which may be the same or different, is independently selected from C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic;

wherein each of said C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic

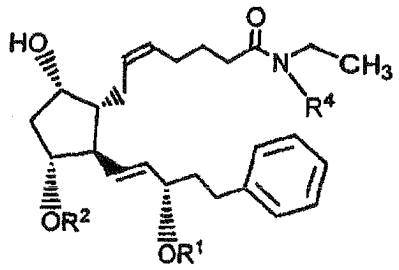
moieties is optionally substituted with one or more of halo, cyano, nitro, azido, N, O, S, NO_2 or ONO_2;

each m is independently selected from 1 to 6;

each n is independently selected from 1 to 6;

or a pharmaceutically acceptable salt or stereoisomer thereof.

Claim 9. A compound of Formula (VI):



(VI)

wherein:

R^1, R^2 and R^4 are each independently H, $-C(O)R^5-ONO_2$, $-C(O)OR^5-ONO_2$, $-C(O)R^5R^6-ONO_2$, $-[C(O)R^5]_m-ONO_2$, $-C(O)R^5-[OC(O)R^6]_n-ONO_2$, $-C(O)R^5-[(O)CR^6]_n-ONO_2$, $-C(O)R^5-[(O)R^6]_n-ONO_2$, $-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$, with the proviso that R^1, R^2 and R^4 cannot all be H;

each R^5 and R^6, which may be the same or different, is independently selected from C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic;

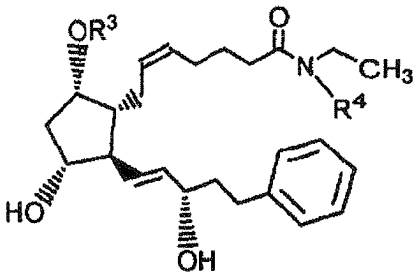
wherein each of said C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic moieties is optionally substituted with one or more of halo, cyano, nitro, azido, N, O, S, NO_2 or ONO_2;

each m is independently selected from 1 to 6; and

each n is independently selected from 1 to 6;

or a pharmaceutically acceptable salt or stereoisomer thereof.

Claim 10. A compound of Formula (VII)



(VII)

wherein:

R^3 and R^4 are each independently H, $-C(O)R^5-ONO_2$, $-C(O)OR^5-ONO_2$, $-C(O)R^5R^6-ONO_2$, $-[C(O)R^5]_m-ONO_2$, $-C(O)R^5-[OC(O)R^6]_n-ONO_2$, $-C(O)R^5-[(O)CR^6]_n-ONO_2$, $-C(O)R^5-[(O)R^6]_n-ONO_2$, $-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$, with the proviso that R^3 and R^4 cannot both be H;

each R^5 and R^6, which may be the same or different, is independently selected from C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic;

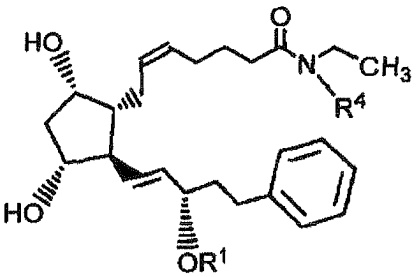
wherein each of said C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic moieties is optionally substituted with one or more of halo, cyano, nitro, azido, N, O, S, NO_2 or ONO_2;

each m is independently selected from 1 to 6; and

each n is independently selected from 1 to 6;

or a pharmaceutically acceptable salt or stereoisomer thereof.

Claim 11. A compound of Formula (VIII)



(VIII)

wherein:

R^1 and R^4 are each independently H, $-C(O)R^5-ONO_2$, $-C(O)OR^5-ONO_2$, $-C(O)R^5R^6-ONO_2$, $-[C(O)R^5]_m-ONO_2$, $-C(O)R^5-[OC(O)R^6]_n-ONO_2$, $-C(O)R^5-[(O)CR^6]_n-ONO_2$, $-C(O)R^5-[(O)R^6]_n-ONO_2$, $-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$, with the proviso that R^1 and R^4 cannot both be H;

each R^5 and R^6, which may be the same or different, is independently selected from C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic;

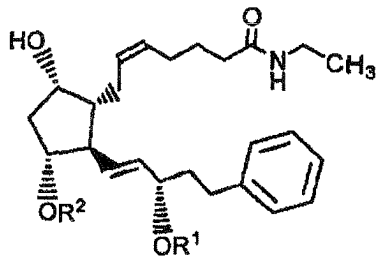
wherein each of said C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic moieties is optionally substituted with one or more of halo, cyan, nitro, azido, N, O, S, NO_2 or ONO_2;

each m is independently selected from 1 to 6; and

each n is independently selected from 1 to 6;

or a pharmaceutically acceptable salt or stereoisomer thereof.

Claim 12. A compound of Formula (IX)



(IX)

wherein:

R^1 and R^2 are each independently H, $-C(O)R^5-ONO_2$, $-C(O)OR^5-ONO_2$, $-C(O)R^5R^6-ONO_2$, $-[C(O)R^5]_m-ONO_2$, $-C(O)R^5-[OC(O)R^6]_n-ONO_2$, $-C(O)R^5-[(O)CR^6]_n-ONO_2$, $-C(O)R^5-[(O)R^6]_n-ONO_2$, $-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$, with the proviso that R^1 and R^2 cannot both be H;

each R^5 and R^6, which may be the same or different, is independently selected from C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic;

wherein each of said C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic

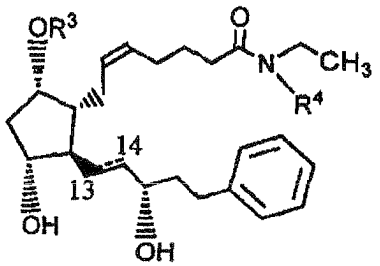
moieties is optionally substituted with one or more of halo, cyano, nitro, azido, N, O, S, NO_2 or ONO_2;

each m is independently selected from 1 to 6; and

each n is independently selected from 1 to 6;

or a pharmaceutically acceptable salt or stereoisomer thereof.

Claim 13. A compound of Formula (X)



(X)

wherein:

the symbol --- represents a single or double bond in the cis or trans configuration;

R^3 and R^4 are each independently H, $-C(O)R^5-ONO_2$, $-C(O)OR^5-ONO_2$, $-C(O)R^5R^6-ONO_2$, $-[C(O)R^5]_m-ONO_2$, $-C(O)R^5-[OC(O)R^6]_n-ONO_2$, $-C(O)R^5-[(O)CR^6]_n-ONO_2$, $-C(O)R^5-[(O)R^6]_n-ONO_2$, $-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$, with the proviso that R^3 and R^4 cannot both be H;

each R^5 and R^6, which may be the same or different, is independently selected from C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic;

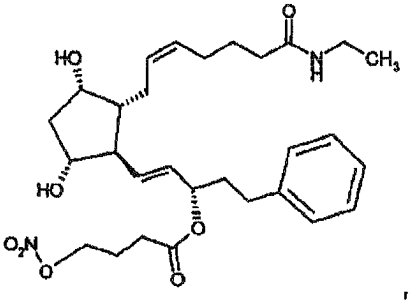
wherein each of said C_{1-9} alkyl, C_{2-9} alkenyl, C_{2-9} alkynyl, C_{1-9} alkoxy, C_{2-9} alkoxyalkyl, C_{3-10} cycloalkyl, C_{3-10} cycloalkoxy and C_{4-10} membered heterocyclic moieties is optionally substituted with one or more of halo, cyano, nitro, azido, N, O, S, NO_2 or ONO_2:

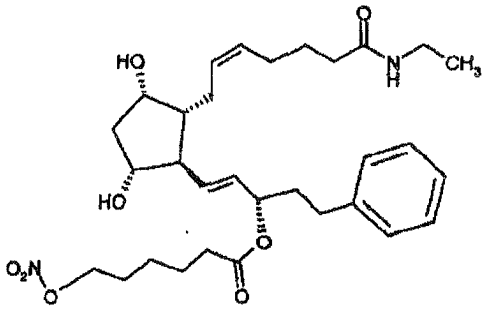
each m is independently selected from 1 to 6; and

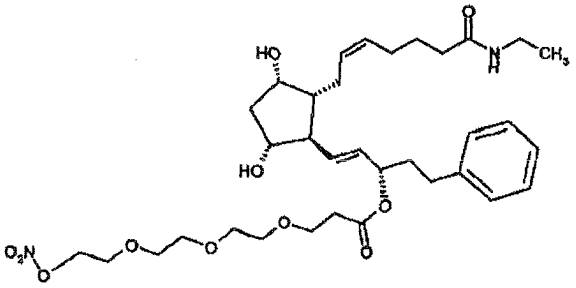
each n is independently selected from 1 to 6;

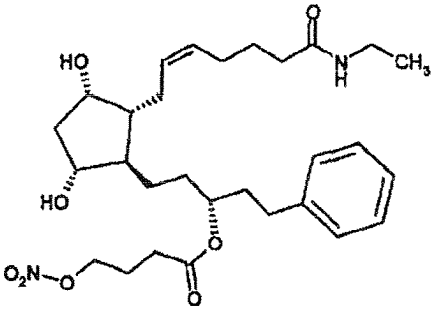
or a pharmaceutically acceptable salt or stereoisomer thereof.

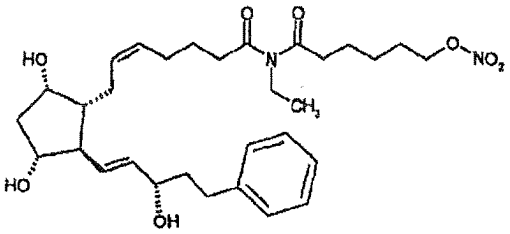
Claim 14. A compound selected from the group consisting of:

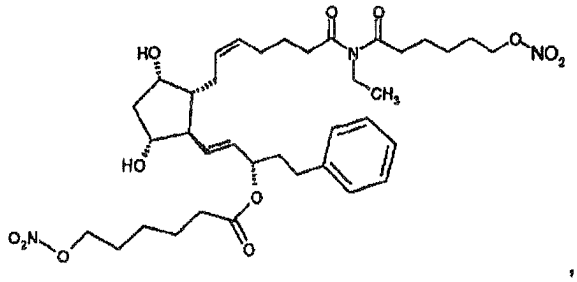


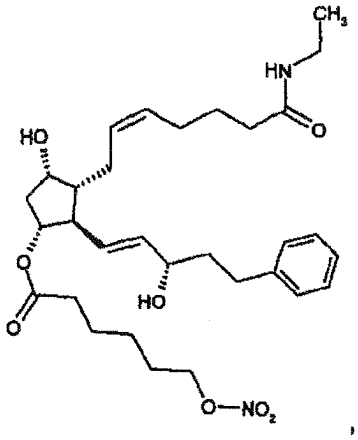


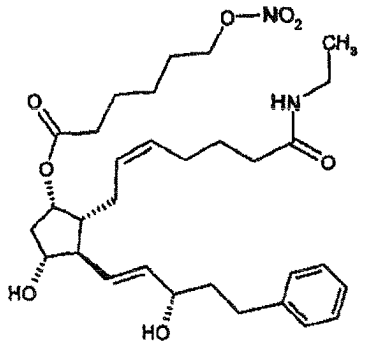


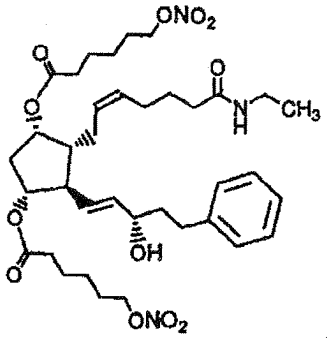


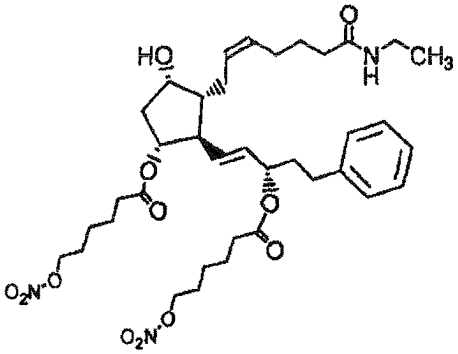


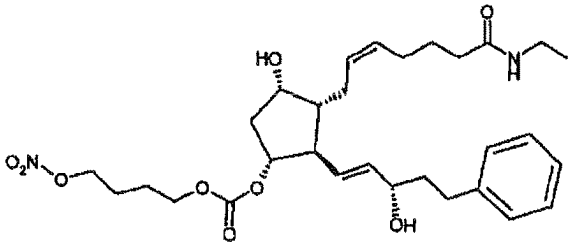


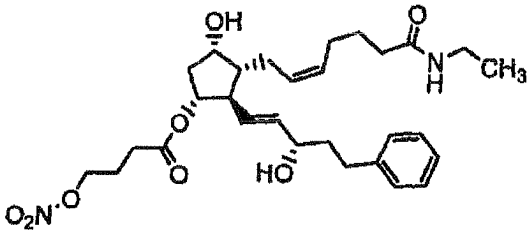


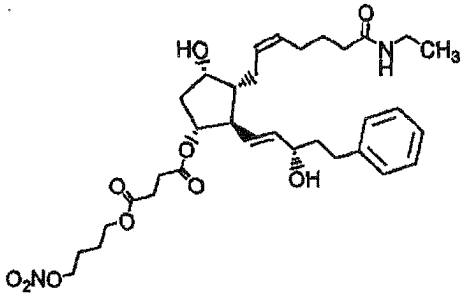


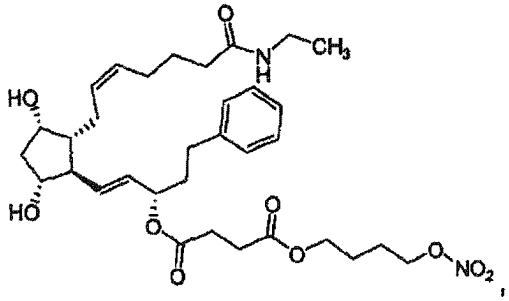


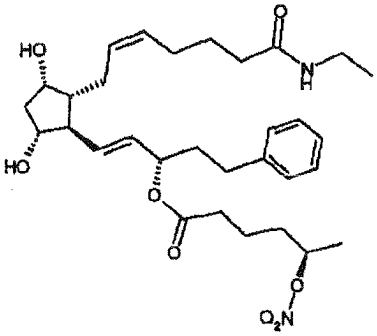


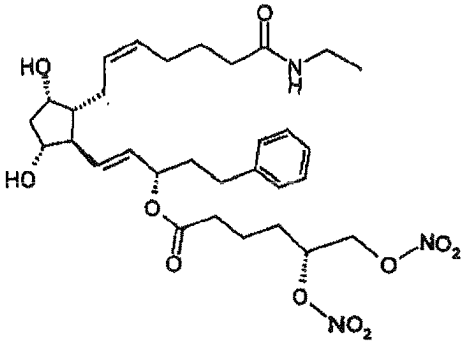


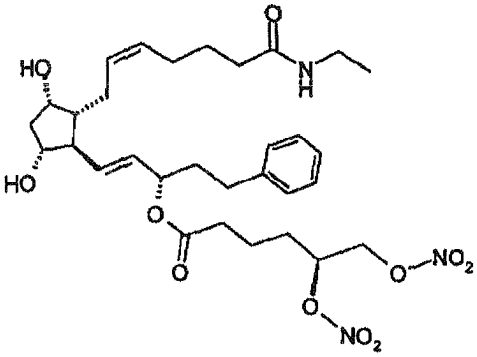


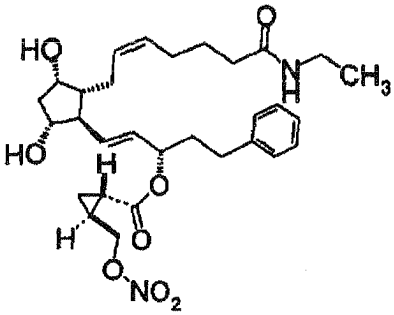


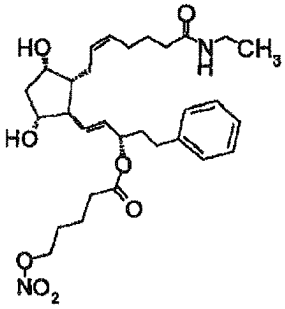


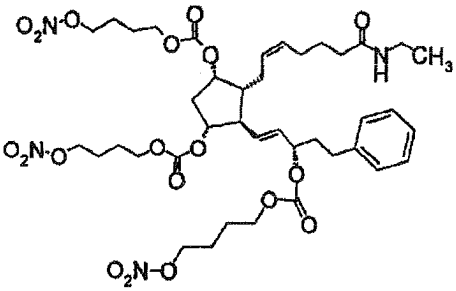


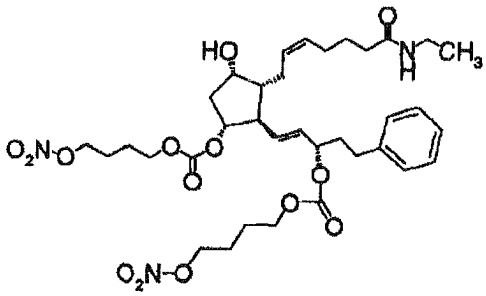


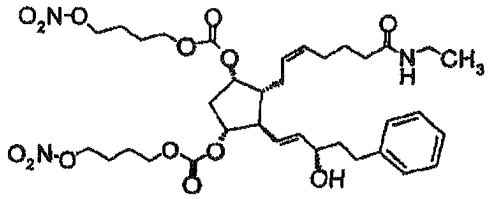


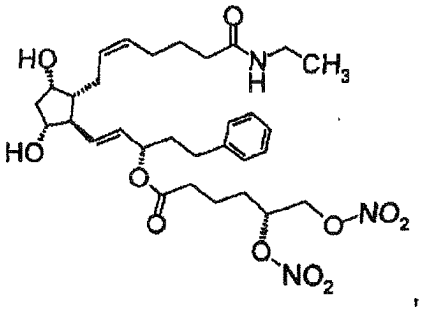


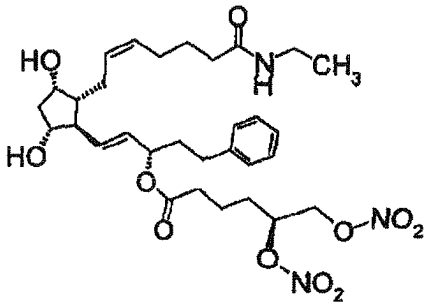


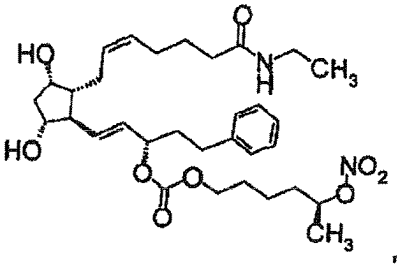


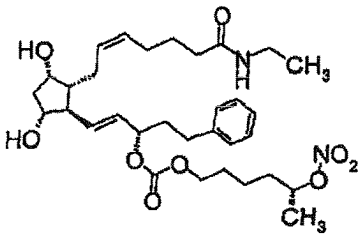












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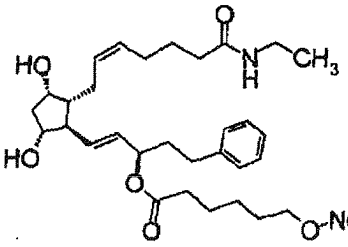

or a pharmaceutically acceptable salt or stereoisomer thereof.

Claim 15. A compound of any one of formula (I) to (X) according to any of claims 1 to 14 for use as a medicament.

Claim 16. Use of a compound according to any one of claims 1 to 14 for the preparation of a medicament for treating glaucoma and ocular hypertension.

Claim 17. A pharmaceutical composition comprising a pharmaceutically acceptable carrier and a pharmaceutically effective amount of a compound of any one of formula (I) to (X) and/or a salt or stereoisomer thereof as defined in any one of claims 1 to 14.

Claim 18. A pharmaceutical composition according to claim 17 for the treatment of glaucoma and ocular hypertension.

Claim 19. A method for treating glaucoma or ocular hypertension comprising contacting an effective intraocular pressure reducing amount of a pharmaceutical composition according to claim 17 with the eye in order to reduce eye pressure and to maintain said pressure on a reduced level.

Claim 20. A pharmaceutical composition comprising a mixture of a compoundof any one of formula (I) to (X) and/or a salt or stereoisomer thereof as defined in any one of claims 1 to 14 and:

(i) a beta-blocker; or

(ii) a carbonic anhydrase inhibitor; or

(iii) an adrenergic agonist;

or a nitrooxy derivative of (i), (ii) or (iii).

II. CLAIMS CORRESPONDENCE TABLE

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1	1	Claim 1 of the U.S. application is identical to claim 1 of the PCT application, with the exception that a typographical error was corrected (the variables "R_5" and "R_6" in the formula "$-[C(O)R_5]_m$-$[C(O)OR_6]_n$-ONO_2" were amended to properly recite "R^5" and "R^6").
2	2	Claim 2 of the U.S. application is identical to claim 2 of the PCT application.
3	3	Claim 3 of the U.S. application is identical to claim 3 of the PCT application.
4	4	Claim 4 of the U.S. application is identical to claim 4 of the PCT application, with the following exceptions: • Claim 4 of the U.S. application recites a dependency to claim 1. • A typographical error was corrected (the variables "R_5" and "R_6" in the formula "$-[C(O)R_5]_m$-$[C(O)OR_6]_n$-ONO_2" were amended to properly recite "R^5" and "R^6").
5	5	Claim 5 of the U.S. application is identical to claim 5 of the PCT application.
6	6	Claim 6 of the U.S. application is identical to claim 6 of the PCT application, with the following exceptions: • Claim 6 of the U.S. application recites a dependency to claim 1. • A typographical error was corrected (the variables "R_5" and "R_6" in the formula "$-[C(O)R_5]_m$-$[C(O)OR_6]_n$-ONO_2" were amended to properly recite "R^5" and "R^6").
7	7	Claim 7 of the U.S. application is identical to claim 7 of the PCT application, with the following exceptions: • Claim 7 of the U.S. application recites a dependency to claim 1. • A typographical error was corrected (the variables "R_5" and "R_6" in the formula "$-[C(O)R_5]_m$-$[C(O)OR_6]_n$-ONO_2" were amended to properly recite "R^5" and "R^6").

8	8	Claim 8 of the U.S. application is identical to claim 8 of the PCT application, with the following exceptions: • Claim 8 of the U.S. application recites a dependency to claim 1. • A typographical error was corrected (the variables "R_5" and "R_6" in the formula "$-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$" were amended to properly recite "R^5" and "R^6").
9	9	Claim 9 of the U.S. application is identical to claim 9 of the PCT application, with the following exceptions: • Claim 9 of the U.S. application recites a dependency to claim 1. • A typographical error was corrected (the variables "R_5" and "R_6" in the formula "$-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$" were amended to properly recite "R^5" and "R^6").
10	10	Claim 10 of the U.S. application is identical to claim 10 of the PCT application, with the following exceptions: • Claim 10 of the U.S. application recites a dependency to claim 1. • A typographical error was corrected (the variables "R_5" and "R_6" in the formula "$-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$" were amended to properly recite "R^5" and "R^6").
11	11	Claim 11 of the U.S. application is identical to claim 11 of the PCT application, with the following exceptions: • Claim 11 of the U.S. application recites a dependency to claim 1. • A typographical error was corrected (the variables "R_5" and "R_6" in the formula "$-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$" were amended to properly recite "R^5" and "R^6").
12	12	Claim 12 of the U.S. application is identical to claim 12 of the PCT application, with the following exceptions: • Claim 12 of the U.S. application recites a dependency to claim 1. • A typographical error was corrected (the variables "R_5" and "R_6" in the formula "$-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$" were amended to properly recite "R^5" and "R^6").

13	13	Claim 6 of the U.S. application is identical to claim 6 of the PCT application, with the following exceptions: • Claim 6 of the U.S. application recites a dependency to claim 1. • A typographical error was corrected (the variables "R_5" and "R_6" in the formula "$-[C(O)R_5]_m-[C(O)OR_6]_n-ONO_2$" were amended to properly recite "R^5" and "R^6").
14	14	Claim 14 of the U.S. application is identical to claim 14 of the PCT application, with the exception that claim 14 of the U.S. application recites a dependency to claim 1.
15	15	Claim 15 of the U.S. application is identical to claim 15 of the PCT application, with the exception that claim 15 of the U.S. application does not include the phrase "of any one of formula (I) to (X)" and recites a dependency to claim 1, rather than to "any one of claims 1 to 14."
16	16	Claim 16 of the U.S. application is identical to claim 16 of the PCT application, with the exception that claim 16 of the U.S. application recites a dependency to claim 1, rather than to "any one of claims 1 to 14."
17	17	Claim 17 of the U.S. application is identical to claim 17 of the PCT application, with the exception that claim 17 of the U.S. application does not include the phrase "of any one of formula (I) to (X)" and recites a dependency to claim 1, rather than to "any one of claims 1 to 14."
18	18	Claim 18 of the U.S. application is identical to claim 18 of the PCT application.
19	19	Claim 19 of the U.S. application is identical to claim 19 of the PCT application.
20	20	Claim 20 of the U.S. application is identical to claim 20 of the PCT application, with the exception that claim 20 of the U.S. application does not include the phrase "of any one of formula (I) to (X)" and recites a dependency to claim 1, rather than to "any one of claims 1 to 14."

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/991,855	11/09/2010	Francesca Benedini	026220.00162	2246

4372 7590 05/10/2011
ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER

ART UNIT	PAPER NUMBER
1614	

NOTIFICATION DATE	DELIVERY MODE
05/10/2011	ELECTRONIC

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

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

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

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.com

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MAY 1 0 2011

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

In re Application of	:	DECISION ON REQUEST TO
BENEDINI ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/991,855	:	PROSECUTION HIGHWAY
Filed: November 9, 2010	:	PROGRAM AND PETITION
Attorney Docket No. 026220.00162	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed March 17, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national stage application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application;
(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application;
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language;
(6) Applicant must submit the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product

of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an IDS listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

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

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

MAILED
JUN 07 2011
PCT LEGAL ADMINISTRATION

In re Application of BAINES et al
U.S. Application No.: 12/991,858
PCT Application No.: PCT/AU2009/000798
Int. Filing Date: 22 June 2009
Priority Date Claimed: 20 June 2008
Attorney Docket No.: 13313/133 (FF45977/10)
For: PROCESS FOR THE RECOVERY OF NICKEL AND/OR COBALT FROM A LEACH SOLUTION

DECISION

This is in response to applicant's request under 37 CFR 1.497(d) filed 06 April 2011.

BACKGROUND

On 22 June 2009, applicant filed international application PCT/AU2009/000798, which claimed priority of an earlier Australia application filed 20 June 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 23 December 2009. The thirty-month period for paying the basic national fee in the United States expired on 20 December 2010.

On 09 November 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 24 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 06 April 2011, applicant filed the present request under 37 CFR 1.497(d).

DISCUSSION

The petition states that John Baines should be removed as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 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 § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, written consent of the assignee has been provided. The assignee has established the right to take action in compliance with 37 CFR 3.73(b).

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

The petition further states that David White should be added as an inventor. However, correction of an inventor's name cannot be effected under 37 CFR 1.497(d). MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error. Similarly, a typographical or transliteration error in the name of an inventor identified in a previously submitted oath or declaration may be corrected by simply notifying the Office of the error. A new oath or declaration is not required to correct such error. See MPEP § 201.03 and § 605.04(g).

In the present case, applicant has not submitted an appropriate petition under 37 CFR 1.182 to correct the inventor's name or a statement that the name discrepancy was the result of a typographical or transliteration error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED IN PART.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision, resolving the discrepancy with respect to the surname of the second inventor. 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 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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PCT LEGAL ADMINISTRATION

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In re Application of BAINES et al
U.S. Application No.: 12/991,858
PCT Application No.: PCT/AU2009/000798
Int. Filing Date: 22 June 2009
Priority Date Claimed: 20 June 2008
Attorney Docket No.: 13313/133 (FF45977/10)
For: PROCESS FOR THE RECOVERY OF NICKEL AND/OR COBALT FROM A LEACH SOLUTION

DECISION

This is in response to applicant's petition under 37 CFR 1.182 filed 30 June 2011.

BACKGROUND

On 22 June 2009, applicant filed international application PCT/AU2009/000798, which claimed priority of an earlier Australia application filed 20 June 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 23 December 2009. The thirty-month period for paying the basic national fee in the United States expired on 20 December 2010.

On 09 November 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 24 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 30 June 2011, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that the second inventor's surname was mistakenly indicated as "Jones" in the international application and that the correct surname is "White".

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error. Similarly, a typographical or transliteration error in the name of an inventor identified in a previously submitted oath or declaration may be corrected by simply notifying the Office of the error. A new oath or declaration is not required to correct such error. See MPEP § 201.03 and § 605.04(g).

Applicant has submitted an appropriate petition under 37 CFR 1.182 along with a statement from the relevant inventor which specifies that the error was made without deceptive intent.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 22 June 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 February 2011.

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

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : April 11, 2012

In re Application of :

Michael Quiter

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12991874

Filed : 23-Dec-2010

Attorney Docket No : TMI-003-US

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 11, 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 2833 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	12991874
Filing Date	23-Dec-2010
First Named Inventor	Michael Quiter
Art Unit	2833
Examiner Name	PHUONG DINH
Attorney Docket Number	TMI-003-US
Title	CONNECTOR SYSTEM, USE AND METHOD

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	/Timothy J. Maier/
Name	Timothy J. Maier
Registration Number	51986

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.
12/991,876	02/01/2011	Takahiro Yasui	B-6825PCT 625892-8	2395

36716 7590 06/13/2011
LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES, CA 90036-5679

EXAMINER

ART UNIT	PAPER NUMBER
2117	

MAIL DATE	DELIVERY MODE
06/13/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES CA 90036-5679

In re Application of: T. YASUI
Application No. 12/991,876
Attorney Docket #: B-6825PCT 625892-8
Filed: November 9, 2010
For: PATTERN GENERATOR AND MEMORY TESTING DEVICE USING THE SAME

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

Th articipate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 4, 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,
OrTSB2100 IFW_PALMTSB2100 IFW_PALM
(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,
Or
(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

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

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

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

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

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

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

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the

"Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

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

The petition is **GRANTED.**

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/991,876	02/01/2011	Takahiro Yasui	B-6825PCT 625892-8	2395

36716 7590 06/13/2011
LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES, CA 90036-5679

EXAMINER

ART UNIT	PAPER NUMBER
2117	

MAIL DATE	DELIVERY MODE
06/13/2011	PAPER

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

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

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LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES CA 90036-5679

In re Application of: T. YASUI
Application No. 12/991,876
Attorney Docket #: B-6825PCT 625892-8
Filed: November 9, 2010
For: PATTERN GENERATOR AND MEMORY TESTING DEVICE USING THE SAME

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 4, 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,
OrTSB2100 IFW_PALMTSB2100 IFW_PALM
(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,
Or
(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

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

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

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

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

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

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

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the

"Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

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

The petition is **GRANTED.**

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 10 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
COTTER, Paul, et al.	:	
Application No.: 12/991,880	:	DECISION
PCT No.: PCT/EP2009/055625	:	
Int. Filing Date: 08 May 2009	:	ON REQUEST UNDER
Priority Date: 09 May 2008	:	
Att. Docket No.: TOMKN4.001APC	:	37 CFR 1.497(d)
For: NISIN DERIVATIVES AND THE	:	
USE THEREOF	:	

This decision is in response to applicants' Request to Correct Inventorship Under 37 CFR 1.48(a), filed in the United States Patent and Trademark Office on 01 April 2011. It has been treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 01 December 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 01 April 2011, applicants filed this request to add Desmond Field as an inventor.

DISCUSSION

Applicants file this request to add Desmond Field, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been satisfied.

However, it is noted that the sequence listing in computer readable format was found to be defective.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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.
12/991,881	11/09/2010	Shuichi Kobayashi	10.01.14.PCT	2415

35870 7590 01/13/2011
APEX JURIS, PLLC
12733 LAKE CITY WAY NORTHEAST
SEATTLE, WA 98125

EXAMINER

ART UNIT	PAPER NUMBER
2833	

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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APEX JURIS, PLLC
12733 LAKE CITY WAY NORTHEAST
SEATTLE WA 98125

In re Application of	**: DECISION ON REQUEST TO**
Shuichi KOBAYASHI	**: PARTICIPATE IN THE PCT PATENT**
Application No.: 12/991,881	**: PROSECUTION HIGHWAY PILOT**
Filed: 09 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 10.01.14.PCT	**: TO MAKE SPECIAL UNDER**
For: CONNECTING MEMBER	**: 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 09 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s);
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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

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

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

United States Patent and Trademark Office

MAILED

JAN 07 2011

PCT LEGAL ADMINISTRATION

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

GODFREY & KAHN S.C.
780 NORTH WATER STREET
MILWAUKEE WI 53202

In re Application of	:	
Blach	:	
Application No.: 12/991,886	:	DECISION
PCT No.: PCT/EP2009/003160	:	
Int. Filing Date: 02 May 2009	:	ON
Priority Date: 07 May 2008	:	
Attorney Docket No.: 004829-0005	:	PETITION
For: Extruder Gearing	:	

The petition to revive under 37 CFR 1.137(b) filed on 09 November 2010 in the above-captioned application is hereby **GRANTED** as follows:

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

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

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

UNITED STATES PATENT and TRADEMARK OFFICE

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

MAILED
JAN 07 2011
PCT LEGAL ADMINISTRATION

DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO CA 94303-2248

In re Application of	:	DECISION ON
LIU et al	:	
Application No.: 12/991,911	:	
PCT No.: PCT/US2008/05959	:	
Int. Filing Date: 09 May 2008	:	PETITION UNDER
Priority Date: 09 May 2007	:	
Attorney's Docket No.: 338221-991222	:	
For: LOW ETCH ... III-V WAFERS	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 09 November 2010.

BACKGROUND

On 09 May 2008, this international application was filed, claiming an earliest priority date of 09 May 2007. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 09 November 2009. This international application became abandoned with respect to the United States at midnight on 09 November 2009 for failure to pay the required basic national fee.

On 09 November 2010, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, and the petition fee. No executed declaration or oath was filed at such time.

On 11 November 2010, applicants filed an executed declaration.

DISCUSSION

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

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

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

DECISION

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

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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:	12/991,966	Filing date:	Not yet assigned
First Named Inventor:	Michael G. Pollack		
Title of the Invention:	Thermal Cycling Method		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/043774

The international filing date of the corresponding PCT application(s) is/are: May 13, 2009

I. List of Required Documents:

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

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

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

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

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

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

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

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

(continued)

Application No.:	12/991,966
First Named Inventor:	Michael G. Pollack

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

☐ Is attached

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

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

☐ Are attached.

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
105-118	105-118	Corresponding claims selected in Preliminary Amendment in U.S. National Stage
		filing and deemed patentable in corresponding PCT case.

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

Signature /E. Eric Mills/	Date 01-07-2011
Name (Print/Typed) E. Eric Mills	Registration Number 47,795

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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ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 10064
MCLEAN, VA 22102-8064

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DEC 09 2010
PCT LEGAL ADMINISTRATION

In re Application of OTTO et al	:	
U.S. Application No.: 12/991,978	:	
PCT Application No.: PCT/EP2009/002710	:	
Int. Filing Date: 14 April 2009	:	
Priority Date Claimed: 14 April 2008	:	DECISION
Attorney Docket No.: 740116-941	:	
For: DEVICE AND SYSTEM FOR SUPPORTING AND/OR TAKE-OVER OF THE PUMPING FUNCTION OF THE HEART	:	

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 10 November 2010.

BACKGROUND

On 14 April 2009, applicant filed international application PCT/EP2009/002710, which claimed priority of an earlier Germany application filed 14 April 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 22 October 2009. The thirty-month period for paying the basic national fee in the United States expired on 14 October 2010.

On 15 October 2010, international application PCT/EP2009/002710 became abandoned as to the United States for failure to timely pay the basic national fee.

On 10 November 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 14 April 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 10 November 2010

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

BLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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PCT LEGAL ADMINISTRATION

POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG VA 22404

In re Application of FRENGER et al. Application No.: 12/992,039 PCT No.: PCT/SE2008/050592 Int. Filing Date: 21 May 2008 Priority Date: N/A Attorney's Docket No.: 0110-653/P25740US1 For: UPLINK COORDINATED INTER-CELL INTERFERENCE CANCELLATION	:	DECISION

This is a decision on applicants' "REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48(d)" filed in the United States Patent and Trademark Office (USPTO) on 30 June 2011, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 21 May 2008, applicants filed international application PCT/SE2008/050592, which designated the U.S. and did not claim a priority date. The thirty-month period for paying the basic national fee in the United States expires at midnight on 22 November 2010 (21 November 2010 being a Sunday).

On 10 November 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a copy of a declaration of inventors filed in the international application under PCT Rule 4.17(iv).

On 03 December 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 the declaration of inventors filed 20 November 2010 was not in compliance with 37 CFR 1.497(a)-(b) because it identified Niclas WIBERG as an inventor while the published international application did not identify this person as an inventor. The Notification indicated that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 30 June 2011, applicants filed the instant petition under 37 CFR 1.497(d) to add Niclas WIBERG as an inventor.

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> (2) The processing fee set forth in Sec. 1.17(i); and
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
> (4) Any new oath or declaration required by paragraph (f) of this section.

Items (1) and (2) have been satisfied. Item (4) is not required.

Item (3) has not been satisfied. No mention is made in the petition regarding whether an assignment has been executed. If an assignment has been executed, the written consent of the assignee is required. A proper showing under 37 CFR 3.73(b) is also required if an assignment has been executed. See MPEP § 324.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

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

/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
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PCT LEGAL ADMINISTRATION

POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG VA 22404

In re Application of	:	
FRENGER et al.	:	DECISION
Application No.: 12/992,039	:	
PCT No.: PCT/SE2008/050592	:	
Int. Filing Date: 21 May 2008	:	
Priority Date: N/A	:	
Attorney's Docket No.: 0110-653/P25740US1	:	
For: UPLINK COORDINATED INTER-CELL	:	
INTERFERENCE CANCELLATION	:	

This is a decision on applicants' renewed petition under 37 CFR 1.497(d) filed in the United States Patent and Trademark Office (USPTO) on 12 September 2011.

BACKGROUND

On 21 May 2008, applicants filed international application PCT/SE2008/050592, which designated the U.S. and did not claim a priority date. The thirty-month period for paying the basic national fee in the United States expires at midnight on 22 November 2010 (21 November 2010 being a Sunday).

On 10 November 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a copy of a declaration of inventors filed in the international application under PCT Rule 4.17(iv).

On 03 December 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 the declaration of inventors filed 20 November 2010 was not in compliance with 37 CFR 1.497(a)-(b) because it identified Niclas WIBERG as an inventor while the published international application did not identify this person as an inventor. The Notification indicated that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 30 June 2011, applicants filed a petition under 37 CFR 1.497(d) to add Niclas WIBERG as an inventor which was accompanied by, *inter alia*, a declaration of inventors.

On 02 September 2011, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.497(d). Specifically, it was noted that no mention was made regarding whether an assignment had been executed, and that if an assignment had been executed, the written consent of the assignee is required as well as a proper showing under 37 CFR 3.73(b).

On 12 September 2011, applicants filed the instant renewed petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision issued 02 September 2011, items (1) and (2) have been satisfied and item (4) is not required.

Item (3) has now been satisfied. A written consent of the assignees has been provided as has a proper showing under 37 CFR 3.73(b).

Declaration of Inventors

The declaration of inventors filed 30 June 2011 is in compliance with 37 CFR 1.497(a)-(d).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

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

this decision including processing the application in the name of Pal FRENGER, Eva ENGLUND, Fredrik GUNNARSON, and Niclas WIBERG as inventors.

/Daniel Stemmer/

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

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

72932
STEINFL & BRUNO
301 N. Lake Ave., Ste 810
Pasadena, CA 91101

MAILED

JAN 05 2011

PCT LEGAL ADMINISTRATION

In re Application of
GASPARI *et al*
U.S. Application No.: 12/992,055
PCT No.: PCT/IB2009/051528
Int. Filing Date: 10 April 2009
Priority Date: 11 April 2008
Docket No.: P699-US
For: SURGICAL TOOL, PARTICULARLY FOR USE IN LAPAROSCOPY

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 10 November 2010 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 not provided.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b), and a surcharge fee are required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,069	11/10/2010	Masataka Andou	29247-0003US1	4423

26171 7590 03/23/2011
FISH & RICHARDSON P.C. (DC)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

ART UNIT	PAPER NUMBER
1781	

NOTIFICATION DATE	DELIVERY MODE
03/23/2011	ELECTRONIC

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

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

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

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

March 22, 2011 WG

In re application of	:	DECISION ON REQUEST TO
Masataka Andou et al.	:	PARTICIPATE IN PATENT
Serial No. 12/992,069	:	PROSECUTION HIGHWAY
Filed: November 10, 2010	:	PROGRAM AND
For: HARD FAT	:	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 November 10, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

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

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

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

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

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

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

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

Application No:	12/992,088	Filing date:	November 11, 2010
First Named Inventor:	Henrik STIESDAL		
Title of the Invention:	DIRECT DRIVE GENERATOR AND WIND TURBINE		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2009/057977

The international date of the corresponding PCT application(s) is/are: June 25, 2009

I. List of Required Documents:

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

☐ Is attached

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

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

☐ Is attached.

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

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

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

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

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

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

(continued)

Application No.:	12/992,088
First Named Inventor:	Henrik STIESDAL

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 11, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 11, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
15	1	According to Preliminary Amendment filed Nov. 11, 2010
16	2	According to Preliminary Amendment filed Nov. 11, 2010
17, 18	3	According to Preliminary Amendment filed Nov. 11, 2010
19	4	According to Preliminary Amendment filed Nov. 11, 2010
20	5	According to Preliminary Amendment filed Nov. 11, 2010
21	6	According to Preliminary Amendment filed Nov. 11, 2010
22	7	According to Preliminary Amendment filed Nov. 11, 2010
23	8	According to Preliminary Amendment filed Nov. 11, 2010
24	9	According to Preliminary Amendment filed Nov. 11, 2010
25	10	According to Preliminary Amendment filed Nov. 11, 2010
26	11	According to Preliminary Amendment filed Nov. 11, 2010
27, 28	12	According to Preliminary Amendment filed Nov. 11, 2010
29	13	According to Preliminary Amendment filed Nov. 11, 2010
30, 31	14	According to Preliminary Amendment filed Nov. 11, 2010

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

Signature	/Tina Gonka/	Date	November 18, 2010
Name (Print/Typed)	Tina Gonka	Registration Number	L0623

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,088	11/11/2010	Henrik Stiesdal	2008P12013WOUS	4755

22116 7590 01/18/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER
WAKS, JOSEPH

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
01/18/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	**: DECISION ON REQUEST TO**
Henrik STIESDAL	**: PARTICIPATE IN THE PATENT**
Application No.: 12/992,088	**: PROSECUTION HIGHWAY**
Filed: 11 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 2008P12013WOUS	**: TO MAKE SPECIAL UNDER**
For: DIRECT DRIVE GENERATOR	**: 37 CFR 1.102(a)**
AND WIND TURBINE	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 18 November 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

Conditions (1-3), and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (4).

Regarding the requirement of condition (4), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. Specifically, claims 30 and 31 of the US application do not correspond to claim 14 of the PCT application.

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

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under 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

SIEMENS

PATENT
Attorney Docket No. 2008P12013WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor:	Henrik Stiesdal et al.	)	Confirmation No:	4755
		)		
Serial No.:	12/992,088	)	Examiner:	Joseph Waks
		)		
Filed:	Nov. 11, 2010	)	Group Art Unit:	2839

Title DIRECT DRIVE GENERATOR AND WIND TURBINE

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

Sir:

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

In response to the Decision on Request to participate in the Patent Prosecution Highway Program mailed January 18, 2011, Applicant respectfully submits **Amendments to the Claims** in connection with the above-identified application which replace the previously filed Amendments to the Claims (filed with the Preliminary Amendment on Nov. 11, 2010) in its entirety. No new matter has been added.

According to the decision, Applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. Specifically, claims 30 and 31 of the U.S. application do not correspond to claim 14 of the PCT application.

In the Amendment to the Claims submitted herewith, Applicant has amended claims 30 and 31 to sufficiently correspond to claim 14 of the PCT application. Claim 14 of the PCT application includes the claim element

"...a drive configuration for turning the rotor arrangement (18, 116, 219, 314) relatively to the stator arrangement (19, 117, 208, 308) comprising at least three bearings or two bearings wherein at least one of the two bearings is a four-point bearing."

As the drive configuration comprises at least three bearings or two bearings, claim 30 of the U.S. application is directed to a drive configuration comprising at least three bearings and claim 31 is directed to a drive configuration comprising two bearings.

Conclusion

Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to deposit account no. 19-2179.

Respectfully submitted,

Dated: Jan. 24, 2011

By: Tina Gonka

Tina Gonka
Limited Recognition No. L0623
(407) 736-4005

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/992,088	11/11/2010	Henrik Stiesdal	2008P12013WOUS	4755

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

EXAMINER
WAKS, JOSEPH

ART UNIT	PAPER NUMBER
2839	

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of	**: DECISION ON REQUEST TO**
Henrik STIESDAL	**: PARTICIPATE IN THE PATENT**
Application No.: 12/992,088	**: PROSECUTION HIGHWAY**
Filed: 11 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 2008P12013WOUS	**: TO MAKE SPECIAL UNDER**
For: DIRECT DRIVE GENERATOR	**: 37 CFR 1.102(a)**
AND WIND TURBINE	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 18 November 2010 and renewed on 24 January 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

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

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

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

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

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

64113US005

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:	12/992139	Filing date:	12-JUN-2009
First Named Inventor:	Ylitalo, Caroline M.		
Title of the Invention:	Method of Making a Cleaning Solution from Hydrogel Cleaning Concentrate and Packaged Cleaning Concentrate		

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/US09/47145

The international date of the corresponding PCT application(s) is/are: June 12, 2009

I. List of Required Documents:

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

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

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

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

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

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

- [ ] Is attached
- [x] Has already been filed in the above-identified U.S. application on November 11, 2010

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

- [ ] Are attached.
- [x] Have already been filed in the above-identified U.S. application on November 11, 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.

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

(continued)

Application No.:	12/992139
First Named Inventor:	Ylitalo, Caroline M.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-43	1-43	Claims are identical except for amendments to revise multiple dependent claims

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

Signature /Carolyn A. Fischer/	Date December 2, 2010
Name (Print/Typed) Carolyn A. Fischer	Registration Number 39,091

CAF

PATENT COOPERATION TREATY

OFFICE OF INTELLECTUAL PROPERTY COUNSEL
3M INNOVATIVE PROPERTIES COMP.

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

AUG 24 2009

REFERRED TO _____

To:

see form PCT/ISA/220

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/US2009/047145	12.06.2009	14.07.2008

International Patent Classification (IPC) or both national classification and IPC
INV. C11D3/37 C11D11/00

Applicant
3M INNOVATIVE PROPERTIES COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

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

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

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

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

CAR

AUG 25 2009

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	Hillebrecht, Dieter Telephone No. +49 89 2399-8168

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/047145

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

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

1. Statement

Novelty (N)	Yes:	Claims	1-43
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-43
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-43
	.No:	Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V.

1 Reference is made to the following documents:
D1 : EP 0 257 966 A (RECKITT & COLMANN PROD LTD) 2 March 1988
D2 : US 6 090 763 A (STEWART HOWARD FRANKLIN ET AL) 18 July 2000
D3 : GB 1 501 324 A (JAPAN SYNTHETIC RUBBER CO LTD) 15 February 1978
D4 : EP 1 714 605 A (RECKITT BENCKISER UK LTD) 25 October 2006
D5 : WO 96/29979 A (UNILEVER) 3 October 1996

2 Document D1, which is considered to represent the most relevant state of the art, discloses a method for cleaning fabrics, wherein a treatment fluid is released from a hydrogel on the application of a force thereon.
From this, the subject-matter of independent claim 1 differs in that the hydrogel is not used to prepare a diluted cleaning solution from said treatment fluid. The hydrogels in D1 are applied in a dry state onto the objects to be cleaned. Neither discloses D1 packages comprising the hydrogel cleaning concentrate in a water permeable enclosure (claim 28) or the method of making the hydrogels by irradiation of droplets in the gas phase (claim 39).

The subject-matter of D2 to D5 is even more remote from the presently claimed subject-matter.

2.1 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT)

The problem to be solved by the present invention may be regarded as to provide a method for preparing dilute cleaning solutions from a concentrate.

2.2 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:
None of the prior art documents cited in the International Search Report suggests to make a cleaning composition using a hydrogel cleaning concentrate. D1 is related to cleaning of carpets, upholstery etc, wherein the dry hydrogels are applied to these surfaces and the neat concentrate is released by applying a force. D2 is directed to soap (bars) comprising a hydrogel providing a uniform

release of the actives and increasing the water content. In D3 hydrogels are used as air-fresheners. D4 provides a method for removing stains from fabrics by forming a hydrogel patch on the fabrics. The stains are enclosed in the hydrogel. D5 discloses liquid cleansers comprising hydrogels with benefit agents. The delivery of the benefit agents to the skin is improved. Thus, none of the prior art documents is directed to the problem of providing an alternative method for preparing cleaning solutions by releasing a cleaning concentrate from a hydrogel composition.

Re Item VII.

The units of weight/measure "oz" and "inch" employed on pages 5, 29, 33, and 34, respectively, are not additionally expressed in terms of the units stipulated by Rule 10.1(a) PCT.

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

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,139	11/11/2010	Caroline M. Ylitalo	64113US005	5111

32692 7590 03/22/2011
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER
NGUYEN, THUY-AI N

ART UNIT	PAPER NUMBER
1763	

NOTIFICATION DATE	DELIVERY MODE
03/22/2011	ELECTRONIC

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

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

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

LegalUSDocketing@mmm.com
LegalDocketing@mmm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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EL

March 21, 2011

In re application of Ylitalo et al. Serial No. 12/992,139 Filed: November 11, 2010 For: **METHOD OF MAKING A CLEANING SOLUTION FROM HYDROGEL CLEANING CONCENTRATE AND PACKAGED CLEANING CONCENTRATE**	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed December 02, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

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

/Emily M. Le/

Emily M. Le
Supervisory Patent Examiner
Technology Center 1700

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JUN 10 2011

PCT LEGAL ADMINISTRATION

SNELL & WILMER L.L.P. (Main)
400 EAST VAN BUREN
ONE ARIZONA CENTER
PHOENIX AZ 85004-2202

In re Application of	:	
LAW, Choi Look, et al.	:	
Application No.: 12/992,140	:	
PCT No.: PCT/SG2009/000170	:	
Int. Filing Date: 12 May 2009	:	DECISION
Priority Date: 12 May 2008	:	
Attorney Docket No.: 43410.0900	:	
For: CIRCUIT AND METHOD FOR	:	
GENERATING A PULSE SIGNAL	:	

This decision is in response to applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 11 April 2011.

BACKGROUND

On 11 November 2010, applicants electronically filed the basic national fee. The electronic data indicated it was directed to PCT/SG2009/000371, while the papers were directed to PCT/SG2009/000170.

On 11 April 2011, applicants filed a petition under 37 CFR 1.182 to correct the national phase data.

DISCUSSION

A filing under 35 USC 371 is the national phase entry of only one international application. Applicant indicates that this application was intended to be the national phase of PCT/SG2009/000170.. 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/SG2009/000170.

CONCLUSION

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

PTO/SB/20PCT-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.:	Not Yet Assigned	Filing Date:	Concurrently Herewith
First Named Inventor:	Curt D. Gilmore, et al.		
Title of the Invention:	WHEEL CASING WITH EMBEDDED ROTOR FOR HUB MOTOR		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/041913

The international date of the corresponding PCT application(s) is/are: April 28, 2009

I. **List of Required Documents:**

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

[x] Is attached.

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

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

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.:	Not Yet Assigned
First Named Inventor:	Curt D. Gilmore, 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.**

[x] Is attached.

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

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

[x] Are attached.

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 - 19	1 - 19	US Claims 1 - 19 and PCT Claims 1 - 19 are identical.

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

Signature	/ Michael D. Zalobsky /	Date	November 11, 2010
Name (Print/Typed)	Michael D. Zalobsky	Registration Number	45,512

15768695.1

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,201	11/11/2010	Curt D. Gilmore	9539-000180/US/NPB	5565

27572 7590 02/15/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
02/15/2011	PAPER

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re application of Gilbert et al. Application No. 12/992,201 Filed: November 11, 2010 For: WHEEL CASING WITH EMBEDDED ROTOR FOR HUB MOTOR	**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 11, 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 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: 01/11/11

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EDWARDS WILDMAN PALMER LLP
P.O. BOX 55874
BOSTON, MA 02205

MAILED
OCT 13 2011
PCT LEGAL ADMINISTRATION

In re Application of PLATENBURG et al	:	
U.S. Application No.: 12/992,218	:	
PCT Application No.: PCT/NL2009/050258	:	
Int. Filing Date: 14 May 2009	:	
Priority Date Claimed: 14 May 2008	:	DECISION
Attorney Docket No.: 87582(305952)	:	
For: METHOD FOR EFFICIENT EXON (44)	:	
SKIPPING IN DUCHENNE MUSCULAR	:	
DYSTROPHY AND ASSOCIATED MEANS	:	

This is in response to applicant's petition under 37 CFR 1.181 filed 15 August 2011.

BACKGROUND

On 14 May 2009, applicant filed international application PCT/NL2009/050258, which claimed priority of an earlier European Patent Office application filed 14 May 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 19 November 2009. The thirty-month period for paying the basic national fee in the United States expired on 15 November 2010.

On 11 November 2010, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US).

On 07 December 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 22 July 2011, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 15 August 2011, applicant filed the instant petition under 37 CFR 1.181.

DISCUSSION

MPEP 1893.03(a) states in relevant part,

> Applicant's initially deposited application must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. See 37 CFR 1.495(g). Otherwise, unless the submission is clearly identified as a submission pursuant to 35 U.S.C. 154(d)(4) for the purpose of obtaining provisional rights, the application will be treated as an application filed under 35 U.S.C. 111(a). See 37 CFR 1.417.
>
> * * *
>
> Also, if there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a). A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371, a "Utility Patent Application Transmittal" (Form PTO/SB/05) or includes a benefit claim under 35 U.S.C. 120 to the international application. Applications that have been processed under 35 U.S.C. 371 and later found by the examiner to contain conflicting instructions should be forwarded to the Office of PCT Legal Administration for resolution.

The papers submitted 11 November 2010 included a Utility Patent Application Transmittal (Form PTO/SB/05) and a benefit claim under 35 U.S.C. 120 to the international application. Even though the EFS-Web Electronic Acknowledgement Receipt indicates that applicant specified the 35 U.S.C. 371 national stage application type, the submission of Form PTO/SB/05 and the benefit claim to the international application were conflicting instructions that necessitate treatment of the papers submitted 11 November 2010 as a filing under 35 U.S.C. 111(a). Accordingly, the Notification of Missing Requirements was sent in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED AS MOOT.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 07 December 2010 is hereby VACATED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 22 July 2011 is hereby VACATED.

This application is being forwarded to the Office of Patent Application Processing for processing of the application as a continuation of international application number PCT/NL2009/050258 filed under 35 U.S.C. 111(a).

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

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27557
BLANK ROME LLP
WATERGATE
600 New Hampshire Ave., N.W.
Washington, DC 20037

MAILED

JAN 26 2011

PCT LEGAL ADMINISTRATION

In re Application of
CHARBON *et al*
U.S. Application No.: 12/992,235
PCT No.: PCT/US2009/002213
Int. Filing Date: 09 April 2009
Priority Date: 09 May 2008
Docket No.: 123593.00131
For: IMAGE SENSOR HAVING NONLINEAR RESPONSE

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 11 November 2010 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.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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

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APR 03 2012
OFFICE OF PETITIONS

In re Application of	:	
Tsutomu Kusakari et al	:	
Application No. 12/992,254	:	DECISION GRANTING PETITION
Filed: March 7, 2011	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 22167-0006US1	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 2, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2853 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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BSH Home Appliances Corporation
Intellectual Property Department
100 Bosch Boulevard
New Bern, NC 28562

MAILED
JUN 15 2011
PCT LEGAL ADMINISTRATION

In re Application of :
KNOCH et al. :
U.S. Application No.: 12/992,302 :
PCT No.: PCT/EP2009/055349 :
It. Filing Date: 04 May 2009 : DECISION ON PETITION
Priority Date: 13 May 2008 :
Attorney Docket No.: 2008P01463WOUS :
For: AIR DEFLECTOR AND METHOD FOR MOUNTING AN AIR DEFLECTOR :

This decision is in response to "Petition under 37 CFR 1.47(a)" filed 08 March 2011 to accept the application without the signature of joint-inventor, Dirk Kroplin.

BACKGROUND

On 04 May 2009, applicants filed international application PCT/EP2009/055349 which claimed a priority date of 13 May 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 13 November 2010.

On 12 November 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 17 December 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 08 March 2011, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the

missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been satisfied.

As to item (2), petitioner states that Dirk Kroplin 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, Dirk Kroplin. The declaration of Claudia Leister states that she attempted to contact Dirk Kroplin and all attempts were unsuccessful. However, no documentary evidence to support the failed attempts were provided with the present petition. Further, the multiple mailings to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the nonsigning inventor(s). Applicant must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate Dirk Kroplin. As stated above, copies of documentary evidence such as internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts. All documents should be translated into English.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Dirk Kroplin under 37 CFR 1.47(a) at this time.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (571) 272-3298
Fax: (571) 273-0459

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New Bern, NC 28562

In re Application of :
KNOCH et al. :
U.S. Application No.: 12/992,302 :
PCT No.: PCT/EP2009/055349 :
It. Filing Date: 04 May 2009 : DECISION ON PETITION
Priority Date: 13 May 2008 :
Attorney Docket No.: 2008P01463WOUS :
For: AIR DEFLECTOR AND METHOD FOR MOUNTING AN AIR DEFLECTOR :

This decision is issued in response to "Renewed Petition under 37 CFR 1.47(a)" filed 12 August 2011 to accept the application without the signature of joint-inventor, Dirk Kroplin.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 12 August 2011 with the present communication was executed by all the named inventors.

The declaration filed 12 August 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 04 March 2009 under 35 U.S.C. 363 and a date of **12 August 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

MAILED

JUL 27 2011

PCT LEGAL ADMINISTRATION

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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re Application of:	:	
SUBBURAM, Pandiarajan	:	DECISION ON PETITION UNDER
U.S. Application No.: 12/992,304	:	37 CFR 1.182
PCT No.: PCT/IN2009/000290	:	
International Filing Date: 15 May 2009	:	
Priority Date: 15 May 2008	:	
Attorney's Docket No.: 20087.6USWO	:	
For: METHOD AND SYSTEM FOR	:	
OBTAINING AUTOGRAPHED	:	
PHOTOGRAPH VIA A MOBILE	:	
COMMUNICATION NETWORK	:	

This decision is issued in response to the "Communication In Response To Notification Of Defective Response" filed on 06 June 2011, treated herein as a petition under 37 CFR 1.182 to change the name of record of the sole inventor from "PANDIARAJAN" to "Pandiarajan SUBBURAM." Deposit Account No. 50-3478 will be charged the required $400 petition fee.

BACKGROUND

On 15 May 2009, applicant filed international application PCT/IN2009/000290. The international application claimed a priority date of 15 May 2008, and it designated the United States. On 03 December 2009, a copy the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 15 November 2010. The published international application listed a single applicant/inventor for the United States: "PANDIARAJAN."

On 12 November 2010, applicant filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an application data sheet (ADS). The ADS identified the sole inventor as "S. PANDIARAJAN."

On 06 December 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 10 January 2011, applicant filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and an executed declaration.

On 30 March 2011, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the copy of the declaration filed on 10 January 2011 was "too light" and that a better copy was required.[1]

On 06 April 2011, applicant filed a response to the Notification Of Defective Response that included a new copy of the executed declaration.

On 05 May 2011, the DO/EO/US mailed a second "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed by applicant was not acceptable because it did not acceptably identify the inventor.

On 06 June 2011, applicant filed a response to the second Notification Of Defective Response that included a revised declaration, a revised ADS, and the "Communication In Response To Notification Of Defective Response" considered herein as a petition under 37 CFR 1.182.

DISCUSSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

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

Applicant's present submission indicates that the correct name of the sole inventor is Pandiarajan SUBBURAM, as set forth on the revised declaration and ADS filed on 06 June 2011. The difference between the correct family name of the inventor (SUBBURAM) and the inventor's family name of record (PANDIARAJAN) is more than a mere typographical or transliteration error. Accordingly, in order to correct the name of record for this inventor to correspond to that set forth in the declaration filed on 06 June 2011, a grantable petition under 37 CFR 1.182 is required. Applicant's present submission has therefore been treated as the required petition under 37 CFR 1.182.

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[1] A review of USPTO records reveals that the copy of the declaration filed by applicant on 10 January 2011 was sufficiently legible for review. Accordingly, the Form PCT/DO/EO/916 mailed on 30 March 2011 was issued in error and is appropriately vacated.

Applicant's petition includes the authorization to charge Deposit Account No. 50-3478 for required fees, pursuant to which the Deposit Account will be charged the required $400 petition fee. Applicant's petition also includes the required confirmation that the correct name of the inventor is Pandiarajan SUBBURAM, as listed on the revised declaration and ADS filed on 06 June 2011. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to correct the name of record of the sole inventor from "PANDIARAJAN" to "Pandiarajan SUBBURAM."

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name of record from "PANDIARAJAN" to "Pandiarajan SUBBURAM."is **GRANTED**.

Based on this correction, the revised declaration filed on 06 June 2011 may be accepted in compliance with 37 CFR 1.497.

For the reasons discussed above, the first "Notification Of Defective Response" (Form PCT/DO/EO/916), mailed on 30 March 2011, is hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 June 2011.

/RichardMRoss/

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

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Brinks Hofer Gilson & Lione/Ann Arbor
524 South Main Street
Suite 200
Ann Arbor MI 48104

MAILED

MAY 17 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
KINOSHITA, et al.	:	
Application No.: 12/992,347	:	DECISION ON PETITION
PCT No.: PCT/JP2009/055600 (as corrected)	:	
Int. Filing Date: 23 March 2009	:	UNDER 37 CFR 1.182
Priority Date: 14 May 2008	:	
Attorney's Docket No.: 4068-224	:	
For: WEARING ARTICLE AND METHOD OF	:	
FOLDING UP THE SAME	:	

This decision is issued in response to applicant's response to notification and petition under 37 CFR1.182 filed 06 April 2011 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 07 February 2011, applicant was mailed a communication detailing the discrepancy between international application number entered during the electronic filing of the application and other filed papers such as the Application Data Sheet (ADS).

On 06 April 2011, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/JP2009/055600. An examination of the originally filed papers finds that the correct international application number was listed on the ADS and preliminary amendment filed 12 November 2010. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 12 November 2010 and to permit such materials to be treated as having been directed to international application PCT/JP2009/055600.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/JP2009/055600.

This application is being forwarded to the United States Designated/Elected Office for further processing.

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

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of	:	DECISION ON
Magarill et al	:	
Application No.: 12/992,361	:	
PCT No.: PCT/US2008/088020	:	PETITION
Int. Filing Date: 22 December 2008	:	
Priority Date: 15 May 2008	:	
Attorney's Docket No.: 64076US006	:	
For: Optical Element and Color Combiner	:	UNDER 37 CFR 1.182

MAILED
MAY 26 2011
PCT LEGAL ADMINISTRATION

This decision is in response to the "PETITION UNDER 37 CFR 1.182 TO CORRECT INTERNATIONAL APPLICATION NUMBER" filed on 01 April 2011 to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/US2008/088020. The petition fee of $400.00 has been charged to petitioner's deposit account no.: 13-3723.

BACKGROUND

In a communication from this Office on 18 February 2011, it indicated that applicant needed to correct the PCT serial number as the Transmittal Letter and the Electronic Acknowledge Receipt identified different international applications.

On 01 April 2011, petitioner filed a petition under 37 CRF 1.182 stating that at the time of filing the application, the priority number was incorrectly entered as PCT/US2008/088010 during filing via electronic EFS-Web.

DISCUSSION

Petitioner states that the PCT number was incorrectly entered as PCT/US2008/088010 rather than the correct number PCT/US2008/088020.

Although applicants entered the incorrect PCT serial number due to a typographical error at the time of filing the application via electronic EFS-Web as identified as such on the Electronic Acknowledgment Receipt, the correct PCT serial number PCT/US2008/088020 was placed on the transmittal letter, and on the executed declaration. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/US2008/088020.

Therefore, the petition to accept the correct PCT number of **PCT/US2008/088020** for the instant application is granted, and will be reflected in the filing receipt.

DECISION

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

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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MAILED
JUN 20 2011
PCT LEGAL ADMINISTRATION

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

In re Application of :
LAM, Shun Yee :
Application No.: 12/992,372 : DECISION ON REQUEST
PCT No.: PCT/CN2009/000986 :
Int. Filing Date: 28 August 2009 :
Priority Date: 11 June 2009 :
Attorney Docket No.: 2307-0122PUS1 :
For: MULTIFUNCTIONAL RECHARGEABLE LED LIGHT

This decision is issued in response to applicant's "Letter Regarding Correction of Inventor Name" filed 12 May 2011 notifying the Office that the correct spelling of the sole inventor's name is Shun Yee LAM, as indicated on the declaration rather than Xinyi LIN as indicated on the published international application. Applicant's request has been treated under 37 CFR 1.181 to accept the declaration filed 12 November 2010. No petition fee is due.

Petitioner states that the correct spelling of the sole inventor's name is Shun Yee LAM. Further, petitioner states that the spelling error contained in the published international application resulted from a transliteration error. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48 is not required. Accordingly, applicant's explanation of the difference in the spelling of the sole inventor's name is accepted and noted for the record.

For the reasons above, the request 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 12 November 2010.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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MAY 10 2011

PCT LEGAL ADMINISTRATION

ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

In re Application of	:	DECISION
GALLAGHER et al.	:	
Application No.: 12/992,379	:	
PCT No.: PCT/US2009/003030	:	
Int. Filing Date: 14 May 2009	:	
Priority Date: 14 May 2008	:	
Attorney Docket No.: JHUC-025-301	:	
For: METHODS AND COMPOSITIONS FOR	:	
IMPROVING COGNITIVE FUNCTION	:	

This decision is in response to applicants' "REQUEST FOR CORRECTED OF NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. § 371 AND 37 CFR § 1.495," which has properly been treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 14 January 2011.

BACKGROUND

On 14 May 2009, applicants filed international application PCT/US2009/003030 which designated the US and claimed a priority date of 14 May 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 19 November 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 November 2010 (14 November 2010 being a Sunday).

On 12 November 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and a declaration of inventors.

On 08 December 2010, the United States Designated/Elected Office (DO/EO/US) issued a Filing Receipt and a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 12 November 2010 and a 35 U.S.C. 371 date of 14 November 2010.

On 14 January 2011, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests that a new NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 indicating the international application filing date and the priority date be issued. The NOTICE mailed 08 December 2010 failed to indicate these dates. Because these dates were not indicated, it is proper to issue a new NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495.

CONCLUSION

The petition under 37 CFR 1.181 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 for processing in accordance with this decision, that is for mailing of a corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating the international application filing date as 14 May 2009 and the priority date as 14 May 2008.

/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 18 2011

PCT LEGAL ADMINISTRATION

21839
BUCHANAN, INGERSOLL & ROONEY PC
P.O. Box 1404
Alexandria, VA 22313-1404

In re Application of
DHUIN, Jean-Charles
Application No.: 12/992,425
PCT No.: PCT/EP2009/056015
Int. Filing Date: 18 May 2009
Priority Date: 16 May 2008
Attorney's Docket No.: 1034227-001139
For: CONCURRENT THERAPY REGIME/REGIMEN FOR THE TREATMENT OF ACNE RELATED DISEASES

DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 12 November 2010, applicant filed papers electronically with the USPTO EFS-Web system to enter the national stage of PCT/EP2009/056015 at 15:01:43 using attorney docket number 1034227-001139. This application was given U.S. application number 12/992,415. No fees were paid with this submission.

A second set of national stage papers for PCT/EP2009/056015 was filed at 15:18:49 on the same day using the same attorney docket number. The second filing was denoted as U.S. application number 12/992,415. Fees totaling $1,090.00 were provided in the second application.

On 14 January 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee for U.S. Application No. 12/992,425.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application of PCT/EP2009/056015. The end result for an international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only; thus, only one national stage application may develop from an international application. Both filings indicate that each filing is a "U.S. National Stage under 35 USC 371" of PCT/EP2009/056015. No conflicting instructions appear in any of the application papers.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/EP2009/056015 and denoted as U.S. application No. **12/992,425**.

Applicant must use only U.S. application No. **12/992,425** for all correspondence to the national stage application of PCT/EP2009/056015.

Applicant is advised that U.S. application No. 12/992,415 is no longer a valid U.S. National stage application.

This application is being forwarded to the DO/EO/US for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,432	02/03/2011	Yoshiko Suetomi	0388-103486	7382

28289 7590 04/20/2011
THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

EXAMINER

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
04/20/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@webblaw.com

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of	:	
SUETOMI, YOSHIKO et al.	:	DECISION ON REQUEST TO
Application No. 12/992,432	:	PARTICIPATE IN PATENT
Filed: November 12, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 0388-103486	:	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 February 03, 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 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

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.
12/992,471	11/12/2010	Keita Iwasaki	366028US26X PCT	7589

22850 7590 02/11/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
3636	

NOTIFICATION DATE	DELIVERY MODE
02/11/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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FEB 10 2011

OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re application of	:	**DECISION ON REQUEST TO**
Iwasaki et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/992,471	:	**PROSECUTION HIGHWAY**
Filed: November 12, 2010	:	**PROGRAM AND PETITION**
For: SEAT AND SEAT CONTROL	:	**TO MAKE SPECIAL UNDER**
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 November 17, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed November 12, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 02/09/11

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,477	11/12/2010	Kengo Nakao	0210-0226PUS1	7635

2292 7590 04/06/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
04/06/2011	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):

mailroom@bskb.com

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
NAKAO, KENGO, et al.	:	DECISION ON REQUEST TO
Application No. 12/992,477	:	PARTICIPATE IN PATENT
Filed: November 12, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **0210-0226PUS1**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 15, 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 Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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SEP 15 2011

PCT LEGAL ADMINISTRATION

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of	:	
ZHANG, Li, et al.	:	
Application No.: 12/992,480	:	DECISION
PCT No.: PCT/CN2009/071753	:	
Int. Filing Date: 12 May 2009	:	ON PETITION UNDER
Priority Date: 12 May 2008	:	
Docket No.: 02316.2809USWO	:	37 CFR 1.47(a)
For: CABLE MANAGEMENT PANEL	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 01 July 2011.

BACKGROUND

On 03 December 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 01 July 2011, applicants filed this petition under 37 CFR 1.47(a), accompanied by the fee for a five month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2), (3) and (4) have been satisfied. The petition fee will be charged to deposit account no. 13-2725, as authorized. Applicants state that they sent the inventors a complete copy of the application papers, including the declaration, and that three inventors have not returned executed declarations after the passage of sufficient time. Applicant states the last known addresses of the non-signing inventors as follows:

Li Zhang
room 603, No. 136, Lane 667, Ziwei Road
Pudong District, Shanghai 201203
P.R. China

Peng Cui
Room 203, Unit 3, Building No. 3
Street Xinhua, Yinzhou District, Tieling, Liaoning 112000
P.R. China

Thomas Chan
100C, St. Patrick's Road
Singapore 424191

The declaration is executed by the signing inventor on behalf on the non-signing inventors.

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 **01 July 2011**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
SEP 15 2011
PCT LEGAL ADMINISTRATION

Li Zhang
Room 603, No. 136, Lane 667, Ziwei Road
Pudong District, Shanghai 201203
P.R. China

In re Application of
ZHANG, Li, et al.
Application No.: 12/992,480
PCT No.: PCT/CN2009/071753
Int. Filing Date: 12 May 2009
Priority Date: 12 May 2008
Docket No.: 02316.2809USWO
For: CABLE MANAGEMENT PANEL

Dear Mr. Zhang:

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

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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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SEP 1 0 2011

PCT LEGAL ADMINISTRATION

Thomas Chan
100C, St. Patrick's Road
Singapore 424191

In re Application of
ZHANG, Li, et al.
Application No.: 12/992,480
PCT No.: PCT/CN2009/071753
Int. Filing Date: 12 May 2009
Priority Date: 12 May 2008
Docket No.: 02316.2809USWO
For: CABLE MANAGEMENT PANEL

Dear Mr. Chan:

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

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 15 2011

PCT LEGAL ADMINISTRATION

Peng Cui
Room 203, Unit 3, Building No. 3
Street Xinhua, Yinzhou District, Tieling, Liaoning 112000
P.R. China

In re Application of
ZHANG, Li, et al.
Application No.: 12/992,480
PCT No.: PCT/CN2009/071753
Int. Filing Date: 12 May 2009
Priority Date: 12 May 2008
Docket No.: 02316.2809USWO
For: CABLE MANAGEMENT PANEL

Dear Mr. Cui:

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

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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ALEXANDRIA, VA 22313-1450
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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED
JAN 14 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Chiho Numata	:	
Application No.: 12/992,481	:	
PCT No.: PCT/JP2009/054608	:	
Filing Date: 11 March 2009	:	PETITION UNDER
Priority Date: 12 March 2008	:	
Attorney's Docket No.: 101297	:	
For: Oxidation Hair Dye And Hair Bleach	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition To Revive Under 37 CFR 1.137(b)," filed 12 November 2010.

BACKGROUND

On 11 March 2009, this international application was filed, claiming an earliest priority date of 12 March 2008.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 12 September 2010. This international application became abandoned with respect to the United States at midnight on 12 September 2010 for failure to pay the required basic national fee.

On 12 November 2010, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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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:	12/992,485	Filing date:	November 12, 2010
First Named Inventor:	Dov Zahavi		
Title of the Invention:	Aircraft Decoy Arrangement		

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/IL09/00484

The international date of the corresponding PCT application(s) is/are: May 13, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [✔] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [✔] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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.:	12/992,485
First Named Inventor:	Dov Zahavi

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 12, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 12, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-12	1-12	identical
15-23	15-23	identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Shawn Li/	Date November 19, 2010
Name (Print/Typed) Shawn Li	Registration Number 58,132

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.
12/992,485	11/12/2010	Dov Zahavi	135676-00101	7687

64574 7590 02/16/2011
BLANK ROME LLP
ONE LOGAN SQUARE
PHILADELPHIA, PA 19103

EXAMINER

ART UNIT	PAPER NUMBER
3644	

MAIL DATE	DELIVERY MODE
02/16/2011	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

FEB 16 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BLANK ROME LLP
ONE LOGAN SQUARE
PHILADELPHIA PA 19103

In re application of Zahavi et al. Application No. 12/992,485 Filed: November 12, 2010 For: AIRCRAFT DECOY ARRANGEMENT	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 19, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 02/16/11

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	Not Yet Assigned	Filing Date:	November 12, 2010
First Named Inventor:	Masaru NAGAI		
Title of the Invention:	COLOR CONVERSION FILM CONTAINING CONJUGATED HIGH MOLECULAR WEIGHT COPOLYMER AND MULTICOLOR LIGHT-EMITTING ORGANIC EL DEVICE INCLUDING 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 PATENT PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/060585

The international date of the corresponding PCT application(s) is/are: June 10, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

[ ] Is attached.

[X] 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. are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

[ ] Is attached.

[X] Has already been filed in the above-identified U.S. application on November 12, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

[ ] Are attached.

[X] Have already been filed in the above-identified U.S. application on November 12, 2010

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	Not Yet Assigned
First Named Inventor:	Masaru NAGAI

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	The same
2	2	The same
3	3	The same
4	4	The same
5	5	The same
6	6	The same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Robert H. Berdo, Jr./	Date	November 12, 2010
Name (Print/Typed)	Robert H. Berdo, Jr.	Registration Number	38,075

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FEB 14 2012
OFFICE OF PETITIONS

CLARK & ELBING, LLP
101 FEDERAL STREET
BOSTON, MA 02110

In re Application of
Matthew McDonagh et al.
Application No.: 12/992,530
Filed: February 7, 2011
Attorney Docket No.: 50666/007001
Title: Angiogenin-Enriched Milk Fractions

: 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 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, 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.

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 Joanne Hama at (571) 272-2911 or in her absence, the undersigned at (571) 272-7099.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,549	02/07/2011	Keisuke Touyama	WING-009	8118

24353 7590 07/21/2011
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

EXAMINER

ART UNIT	PAPER NUMBER
1611	

MAIL DATE	DELIVERY MODE
07/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JUL 21 2011

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

In re Application of	:	DECISION ON REQUEST TO
TOUYAMA ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/992,549	:	PROSECUTION HIGHWAY
Filed: February 7, 2011	:	PROGRAM AND PETITION
Attorney Docket No. WING-009	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 11, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim;
(2) The JPO application(s) have at least one claim that was determined by the JPO to be allowable/patentable;
(3) All the claims in each U.S. application for which a request for participation in the PPH program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the request, along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit a copy of the allowable/patentable claims from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the JPO examiner in the JPO office action (unless such an IDS has already been filed in the U.S. application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Five Prime Therapeutics, Inc.
Two Corporate Drive
South San Francisco CA 94080

MAILED
JUL 29 2011
PCT LEGAL ADMINISTRATION

In re Application of
PENTA, et al.
U.S. Application No.: 12/992,582
PCT No.: PCT/US2009/043834
International Filing Date: 13 May 2009
Priority Date: 14 May 2008
Attorney's Docket No.: FP2007-1013.30
For: COMPOSITIONS AND METHODS FOR TREATING ARTHRITIS AND/OR DISEASES INVOLVING CARTILAGE DEGENERATION

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Petition under 37 CFR 1.182" filed 25 May 2011. Applicants are notifying the Office that the name of the third inventor is Lewis T. WILLIAMS as indicated on the declaration rather than Rusty WILLIAMS as indicated on the published international application.

In the published international application, the third inventor was identified as Rusty WILLIAMS. On the declaration filed 13 April 2011, this inventor was identified as Lewis T. WILLIAMS. With respect to corrections in an inventor's name, Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

Applicants state the correct name of the third inventor is Lewis T. WILLIAMS. 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 third hand knowledge regarding the error/discrepancy in the inventor's name. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.

Here, applicants' submission included the required $400 petition fee. Additionally, applicants have submitted (on 11 July 2011) the required statement from the inventor confirming the name correction and that the error occurred without deceptive intent.

Based on applicants' statements herein, it is accepted that the correct full name for the third inventor herein is Lewis T. WILLIAMS, as set forth on the declaration filed 13 April 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 13 April 2011.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.:	12/992,606	Filing Date:	November 15, 2010
First Named Inventor:	Stephen M. HUSBAND et al.		
Attorney Docket No.:	147556		
Title of the Invention:	A COOLING ARRANGEMENT FOR AN ELECTRICAL CONNECTOR FOR A SUPERCONDUCTOR		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/GB2009/001246

The international date of the corresponding PCT application(s) is/are: May 18, 2009

I. **List of Required Documents:**

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application. (The copy of the latest International work product was filed as IDS on December 28, 2010.)

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. (Patentable PCT claims 7-19 correspond to original U.S. claims 7-19 filed on November 15, 2010.)

c. **English translations of the documents in a. and b. above are not attached because the documents are in the English language.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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.:	12/992,606
First Named Inventor:	Stephen M. HUSBAND 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 December 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 December 28, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-6 (canceled)		
7	7	As amended by the Preliminary Amendment, independent U.S. claim 7 substantially corresponds to patentable dependent PCT claim 7.
8	8	U.S. claim 8 substantially corresponds to patentable PCT claim 8.
9	9	U.S. claim 9 substantially corresponds to patentable PCT claim 9.
10	10	U.S. claim 10 substantially corresponds to patentable PCT claim 10.
11	11	U.S. claim 11 substantially corresponds to patentable PCT claim 11.
12	12	As amended by the Preliminary Amendment, U.S. claim 12 substantially corresponds to patentable PCT claim 12.
13	13	U.S. claim 13 substantially corresponds to patentable PCT claim 13.
14	14	U.S. claim 14 substantially corresponds to patentable PCT claim 14.
15	15	U.S. claim 15 substantially corresponds to patentable PCT claim 15.
16	16	As amended by the Preliminary Amendment, U.S. claim 16 substantially corresponds to patentable PCT claim 16.
17	17	As amended by the Preliminary Amendment, U.S. claim 17 substantially corresponds to patentable PCT claim 17.
18	18	As amended by the Preliminary Amendment, U.S. claim 18 substantially corresponds to patentable PCT claim 18.
19	19	As amended by the Preliminary Amendment, U.S. claim 19 substantially corresponds to patentable PCT claim 19.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	H. Yamashita	Date	January 21, 2011
Name (Print/Typed)	James A. Oliff	Registration Number	27,075
Name (Print/Typed)	Hirotsuna Yamashita	Registration Number	L0563

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing;
Charge any fee due to our Deposit Account No. 15-0461

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,606	11/15/2010	Stephen M. Husband	147556	8896

25944 7590 01/25/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
01/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:
HUSBAND, STEPHEN M. et al	: DECISION ON REQUEST TO
Application No. 12/992,606	: PARTICIPATE IN PATENT
Filed: Nov. 15, 2010	: PROSECUTION HIGHWAY
Attorney Docket No 147556	: PILOT PROGRAM AND PETITION
For: COOLING ARRANGEMENT FOR AN ELECTRICAL CONNECTOR FOR A SUPERCONDUCTOR	: TO MAKE SPECIAL UNDER : 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Jan. 21, 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 Kevin Sirmons, the SPE of Art Unit 3767 and (571)272-4965 for Class 604/264 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 is currently undergoing pre-examination processing. Upon completion, the 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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MAILED

FEB 02 2011

PCT LEGAL ADMINISTRATION

WRB-IP LLP
801 N. Pitt Street
Suite 123
ALEXANDRIA VA 22314

In re Application of
ADOLFSON
Application No.: 12/992,623
PCT No.: PCT/SE08/00404
Int. Filing: 17 June 2008
Priority Date: None
Attorney Docket No.: 000009-500
For: A METHOD FOR OPERATING A TRANSPORT VEHICLE. A METHOD FOR CONTROLLING OPERATION OF A WORK SITE AND A WORK SITE SYSTEM

: DECISION ON PETITION

This application is before the PCT Legal Office for consideration of applicant's "Request for Correction of Inventor's Name" filed on 24 November 2010 in the United States Patent and Trademark Office (USPTO) in the above-captioned application.

Applicant requests the correction of the inventor's name. Applicant explains the error in the inventor's name is a misspelling of the name Adolphson on the Electronic Acknowledgement Receipt. This is considered a typographical error. See MPEP 201.03. [1]

Applicant indicates that the inventor's correct name is Johan *Adolfson*, rather than Johan Adolphson as incorrectly indicated in the Electronic Acknowledgement Receipt as the result of a typographical error. Applicants' explanation of the difference in inventor's name is accepted and noted for the record.

For the reasons above, the Request is **GRANTED**. The correction of the inventor's name to ADOLFSON is corrected in the USPTO records. No petition fee is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571) 272-3286
Facsimile: (571) 272-0459

[1] Section 201.03 of the Manual of Patent Examining Procedure states where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error to correct the name of the inventor.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,657	11/15/2010	Armindo Lourenco	P-1466	9207

68072 7590 05/26/2011
SCOTT R. COX
LYNCH, COX, GILMAN & MAHAN, P.S.C.
500 WEST JEFFERSON STREET
SUITE 2100
LOUISVILLE, KY 40202

EXAMINER

ART UNIT	PAPER NUMBER
3781	

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):

SCOX@LCGANDM.COM
HHART@LCGANDM.COM
KWATKINS@LCGANDM.COM

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCOTT R. COX
LYNCH, COX, GILMAN & MAHAN, P.S.C.
500 WEST JEFFERSON STREET
SUITE 2100
LOUISVILLE KY 40202

In re Application of LOURENCO, ARMINDO Application No. 12/992,657 Filed: Nov. 15, 2010 Attorney Docket No. P-1466 For: CLOSURE CAP FOR A CONTAINER	: DECISION ON REQUEST TO : PARTICIPATE IN PATENT : PROSECUTION HIGHWAY : PILOT PROGRAM AND PETITION : TO MAKE SPECIAL UNDER : 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 24, 2011 to make the above-identified application special.

The request and petition are Dismissed.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

With regard to Item #6, a copy of prior art reference EP 1806295 cited by PCT examiner is missing. A copy is required.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web. Currently, the application is undergoing entry of RCE papers and amendment processing.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,657	11/15/2010	Armindo Lourenco	P-1466	9207

68072 7590 06/23/2011
SCOTT R. COX
LYNCH, COX, GILMAN & MAHAN, P.S.C.
500 WEST JEFFERSON STREET
SUITE 2100
LOUISVILLE, KY 40202

EXAMINER

ART UNIT	PAPER NUMBER
3781	

NOTIFICATION DATE	DELIVERY MODE
06/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

SCOX@LCGANDM.COM
HHART@LCGANDM.COM
KWATKINS@LCGANDM.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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SCOTT R. COX
LYNCH, COX, GILMAN & MAHAN, P.S.C.
500 WEST JEFFERSON STREET
SUITE 2100
LOUISVILLE KY 40202

In re Application of LOURENCO, ARMINDO Application No. 12/992,657 Filed: Nov. 15, 2010 Attorney Docket No. P-1466 For: CLOSURE CAP FOR A CONTAINER	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 2, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Anthony Stashick, the SPE of Art Unit 3781 at 571-272-4511 for Class 220/810 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

United States Patent and Trademark Office

Commissioner for Patents
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MAILED

AUG 15 2011

PCT LEGAL ADMINISTRATION

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

In re Application of
Kikuchi et al.
Application No. 12/992,676
PCT No.: PCT/JP2009/058717
Int. Filing Date: 09 May 2009
Priority Date: 15 May 2008
Atty. Docket No.: 4592-021
For: Angle Detection System And Method Of Manufacturing The Same

DECISION

This is in response to the declaration of the inventors filed on 30 January 2011, which is being addressed under 37 CFR 1.42.

BACKGROUND

This international application was filed on 09 May 2009, claimed an earliest priority date of 15 May 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 19 November 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 15 November 2010. Applicants filed *inter alia* the basic national fee on 15 November 2010.

On 09 December 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Review of the declaration filed on 30 January 2011 reveals that it has been signed on behalf of "Deceased" joint inventor Masahito OKADA by Minow Okada in the capacity of "legal representative." 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 reveals that it provides citizenship, residence and mailing address data for the deceased inventor, and also for the legal representative. It would be appropriate to accept the declaration under 37 CFR 1.42 at this time, for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The declaration 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 **30 January 2011**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/992,684	Filing date:	November 15, 2010
First Named Inventor:	Ruediger NOWAK		
Title of the Invention:	ELECTRONIC PACKAGING		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP09/054393

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)**

[x] Is attached See Appendices A and D

[ ] 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. See Appendix B

[ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

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 IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

(continued)

Application No.:	12/992,684
First Named Inventor:	November 15, 2010

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on November 15, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on November 15, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
		See Appendix C

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 2/17/11
Name (Print/Typed) Jacob A. Doughty	Registration Number 46,671

APPENDIX A

International Preliminary Report on Patentability (including Written Opinion) Issued on December 3, 2010 in International Application No. PCT/EP09/054393

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 2008P00147WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/EP2009/054393	International filing date *(day/month/year)* 14 April 2009 (14.04.2009)	Priority date *(day/month/year)* 15 May 2008 (15.05.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant EVONIK DEGUSSA GMBH		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 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/EP2009/054393	14.04.2009	15.05.2008

International Patent Classification (IPC) or both national classification and IPC
INV. C08G59/24 C08K9/06 H01L23/29

Applicant
EVONIK DEGUSSA GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	see form PCT/ISA/210	Deraedt, Gilbert Telephone No. +31 70 340-2427

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/054393

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-7
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-7
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-7
	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 V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The available prior art does not disclose the subject matter of claims 1 - 7 of the present application. It appears to be new and founded on an inventive step (Article 33(1) + (2) + (3) PCT).

2, The subject-matter defined by the claims of the underlying application is industrially applicable. (Article 33(1) + (4) PCT).

Re Item VIII

Certain observations on the international application

1. Claim 1 is not supported by the description (Article 6 PCT).
The embodiment described in the underlying description at page 3, line 18 - page 4, line 1 does not mention the type of the filler and its (pre)treatment.

2. Claim 6 is not supported by the description (Article 6 PCT).

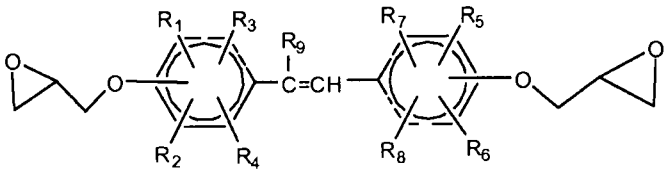
APPENDIX B

Claims of International Application No. PCT/EP09/054393 Indicated to Have Novelty, Inventive Step, and Industrial Applicability

Claims

1. An epoxy resin composition comprising:

(A) an epoxy compound represented by the general formula (1):



(1)

wherein, R1 to R9 represent each independently a hydrogen atom, an acyclic or cyclic alkyl group having 1 to 6 carbon atoms, a substituted or unsubstituted phenyl group or a halogen atom,
(B) a polyfunctional epoxy compound having a functional group number of two or more, and
(C) an epoxy curing agent containing a phenolic hydroxyl group,
wherein the proportion of the epoxy compound (A) is from 0.1 to 99% by weight based on the total weight of the epoxy compounds (A) and (B), whereas the epoxy resin composition contains a pyrogenically produced silica, which has been surface modified with Hexamethyldisilazane (HMDS) and structurally modified by a ball mill.

2. The epoxy resin composition according to claim 1, wherein the proportion of the epoxy compound (A) is from 20 to 99% by weight based on the total weight of the epoxy compounds (A) and (B).

3. The epoxy resin composition according to claim 1, which further comprises an inorganic filler (D) in an amount of from 25 to 95% by weight based on the weight of the whole resin composition.

4. The epoxy resin composition according to claim 3, wherein the inorganic filler (D) is in an amount of from 50 to 95% by weight based on the weight of the whole resin composition.

5. The epoxy resin composition according to claim 1 or 2, wherein the polyfunctional epoxy compound (B) is a glycidyl ether compound of phenol novolaks or a glycidyl ether compound of trisphenolmethane novolaks.

6. The epoxy resin composition according to claim 1, or 2, wherein the epoxy curing agent containing a phenolic hydroxyl group (C) is an aralkylphenol resin.

7. A resin-encapsulated semiconductor device obtained by encapsulating a semiconductor element using the epoxy resin composition of claim 1 or 3.

APPENDIX C

Claims Correspondence Table

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/992,684
Attorney Docket No. 371346US99X PCT

CLAIMS CORRESPONDENCE TABLE

Claims in US Application	Patentable Claims in PCT Application	Explanation regarding the correspondence
Claim 1	Claim 1	Claim 1 of the US application is substantively identical to claim 1 of the PCT application.
Claim 2	Claim 2	Claim 2 of the US application is substantively identical to claim 2 of the PCT application.
Claim 3	Claim 3	Claim 3 of the US application is substantively identical to claim 3 of the PCT application.
Claim 4	Claim 4	Claim 4 of the US application is substantively identical to claim 4 of the PCT application, except that PCT claim 4 depends from PCT claim 1 or claim 2, while US claim 4 depends only from US claim 1.
Claim 5	Claim 5	Claim 5 of the US application is substantively identical to claim 5 of the PCT application, except that PCT claim 5 depends from PCT claim 1 or claim 2, while US claim 5 depends only from US claim 1.
Claim 6	Claim 6	Claim 6 of the US application is substantively identical to claim 6 of the PCT application, except that PCT claim 6 depends from PCT claim 1 or claim 2, while US claim 6 depends only from US claim 1.
Claim 7	Claim 7	Claim 7 of the US application is substantively identical to claim 7 of the PCT application, except that PCT claim 7 depends from PCT claim 1 or claim 3, while US claim 7 depends only from US claim 1.
Claim 8	Claim 5	Claim 8 of the US application is substantively identical to claim 5 of the PCT application, except that PCT claim 5 depends from PCT claim 1 or claim 2, while US claim 8 depends only from US claim 2.
Claim 9	Claim 6	Claim 9 of the US application is substantively identical to claim 6 of the PCT application, except that PCT claim 6 depends from PCT claim 1 or claim 2, while US claim 9 depends only from US claim 2.
Claim 10	Claim 1	US claim 10 depends from and is thus narrower than PCT claim 1, which is indicated to have novelty, inventive step and industrial applicability.

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/992,684
Attorney Docket No. 371346US99X PCT

CLAIMS CORRESPONDENCE TABLE

Claims in US Application	Patentable Claims in PCT Application	Explanation regarding the correspondence
Claim 11	Claim 1	US claim 11 depends from and is thus narrower than PCT claim 1, which is indicated to have novelty, inventive step and industrial applicability.
Claim 12	Claim 1	US claim 12 depends from and is thus narrower than PCT claim 1, which is indicated to have novelty, inventive step and industrial applicability.

APPENDIX D

Statement Regarding Observations in Box VIII of Written Opinion in International Preliminary Report on Patentability Issued on December 3, 2010 in International Application No. PCT/EP09/054393

DOCKET NO: 371346US99X PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
RUEDIGER NOWAK, ET AL.	:
SERIAL NO: 12/992,684	:
FILED: NOVEMBER 15, 2010	:
FOR: ELECTRONIC PACKAGING	:

STATEMENT REGARDING OBSERVATIONS IN BOX VIII OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The Notice "Patent Prosecution Highway Pilot Program between the United States Patent and Trademark Office and the European Patent Office based on Patent Cooperation Treaty Work Products," 1351 O.G. 208 (February 23, 2010), indicates that Applicants must provide an explanation of why the claims are not subject to the observations in Box VIII of the latest work product in the international phase of the corresponding PCT application.

The Written Opinion in the International Preliminary Report on Patentability Issued on December 3, 2010 in International Application No. PCT/EP09/054393 (the International application of which the present application is the U.S. national stage) includes observations in Box VIII. In particular, it is asserted that claims 1 and 6 are not supported by the description. However, Applicants submit that claims 1 and 6 of the present application, which correspond to claims 1 and 6 of the PCT application, are fully compliant with the written description requirement of 35 U.S.C. §112, first paragraph. Applicants direct attention in particular to the disclosure in the present specification at, for example, page 3,

line 18 to page 4, line 1, page 9, line 26 to page 10, line 28, and page 14, lines 13 to 16, and original claims 1 and 6, which fully support claims 1 and 6.

In view of the foregoing, Applicants submit that the present application is eligible to participate in Patent Prosecution Highway Pilot Program between the United States Patent and Trademark Office and the European Patent Office based on Patent Cooperation Treaty Work Products.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard L. Treanor
Attorney of Record
Registration No. 36,379

Jacob A. Doughty
Registration No. 46,671

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,684	03/04/2011	Ruediger Nowak	371346US99X PCT	9370

22850 7590 04/20/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
04/20/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	**: DECISION ON REQUEST TO**
NOWAK et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/992,684	**: PROSECUTION HIGHWAY**
Filed: 04 March 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: 371346US99X PCT	**: TO MAKE SPECIAL UNDER**
For: ELECTRONIC PACKAGING	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 17 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof (if not in English);

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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.
12/992,690	01/20/2011	Hikoo Miyauchi	OHNO2-47096	9405

116 7590 02/23/2011
PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
02/23/2011	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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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of	:	
MIYAUCHI, HIKOO et al	:	DECISION ON REQUEST TO
Application No. 12/992,690	:	PARTICIPATE IN PATENT
Filed: Jan. 20, 2011	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. OHN02-47096	:	PROGRAM AND PETITION
For: HUMIDITY CONTROL 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 Feb. 22, 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 JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Item #3

The request to participate in the PPH pilot program and petition does not show JPO allowed claims 1-7 correspond with the current pending claims 1 and 3-9. Currently, this application contains claims 1-5 as filed on Nov. 15, 2010. The newly added independent claim 4 and dependent claim 5 were not examined by the JPO examiner. In order to grant the PPH Request in this case, it is suggested that the applicant cancel the newly added independent claim 4 and dependent claim 5.

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 on the merits for claims 1-5 as filed on Nov. 15, 2010 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,690	01/20/2011	Hikoo Miyauchi	OHNO2-47096	9405

116 7590 08/04/2011
PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
08/04/2011	PAPER

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SUITE 1200
CLEVELAND OH 44114-3108

In re Application of: MIYAUCHI, HIKOO Serial No.: 12/992690 Filed: November 15, 2010 Attorney Docket No. : OHNO2-47096 Title: HUMIDITY CONTROL DEVICE	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 March 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) 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.

A previous decision on the instant petition was mailed on February 23, 2011. The decision stated that the petition did not meet Item #3 because newly added claims 4 and 5 in the U.S. application were not examined by the JPO examiner. As such, there was no claim correspondence with the allowed JPO claims. Since then, Applicant has cancelled claims 4 and 5. As such, all of the claims in the U.S. application now sufficiently correspond to the allowable claims in the JPO application.

In light of the claim amendments, the request to participate in the PPH program and the petition comply with 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,705	11/15/2010	Hidekazu Hayashi	15020-000022/US/NP	9491

30593 7590 03/22/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER

ART UNIT	PAPER NUMBER
1724	

MAIL DATE	DELIVERY MODE
03/22/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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March 22, 2011 WG

In re application of Hidekazu Hayashi et al. Serial No. 12/992,705 Filed: November 15, 2010 For: ANTIREFLECTION FILM, OPTICAL ELEMENT COMPRISING ANTIREFLECTION FILM, STAMPER, PROCESS FOR PRODUCING STAMPER, AND PROCESS FOR PRODUCING ANTIREFLECTION FILM	: : : : : : :	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 November 16, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and

b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

In re Application of Larsson et al.	:	
Application No. 12/992,818	:	
Int'l Filing Date: June 11, 2009	:	Decision on Request
Attorney Docket No. 025522-000028	:	
Pub. No. US 2011/0089144 A1	:	
Pub. Date: April 21, 2011	:	

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed June 20, 2011.

The request is **granted**.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Telephone inquiries regarding this communication may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,828	11/15/2010	Sebastien de la Hamayde	LAMBERT-vivid-Gauge	1147

74642 7590 02/18/2011
CLIFFORD H. KRAFT
320 ROBIN HILL DR.
NAPERVILLE, IL 60540

EXAMINER

ART UNIT	PAPER NUMBER
1745	

MAIL DATE	DELIVERY MODE
02/18/2011	PAPER

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FEB 18 2011

CT

In re application of Sebastien de la Hamayde Serial No. 12/992,828 Filed: November 15, 2010 For: PRESSURE GAUGE	: : : : : : :	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 November 19, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of	:	
Amanda Jenner	:	
Application No. 12/992,850	:	DECISION ON PETITION
Filed: January 12, 2011	:	TO WITHDRAW
Attorney Docket No. 669042000300	:	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 9, 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. 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 Jonathan Bockman on behalf of all attorneys/agents associated with customer number 25227. All attorneys/agents associated with customer number 25227 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

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: Amanda Jenner
10 Brunstead Road
Poole, United Kingdom
BH12 1EJ

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/992,850	01/12/2011	Amanda Jenner	669042000300

CONFIRMATION NO. 1270

POWER OF ATTORNEY NOTICE

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

OC000000052788389

Date Mailed: 02/27/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2012.

- 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.

/kainabinet/

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
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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:	Unknown	Filing date:	November 15, 2010
First Named Inventor:	Kazuya Higami		
Title of the Invention:	REFRIGERATOR		

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/JP2009/004180, which claims priority to European Patent Application No. 08163058.4

The international date of the corresponding PCT application(s) is/are: August 27, 2009. EP 08163058.4 was filed August 27, 2008.

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	Unknown
First Named Inventor:	Kazuya Higami

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
1-4	1-4	The claims correspond to the claims of the same number.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Douglas P. Mueller/	Date November 15, 2010
Name (Print/Typed) Douglas P. Mueller	Registration Number 30300

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.
12/992,863	11/15/2010	Kazuya Higami	20295.0005USWO	1340

53148 7590 02/10/2011
HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

EXAMINER

ART UNIT	PAPER NUMBER
3637	

MAIL DATE	DELIVERY MODE
02/10/2011	PAPER

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United States Patent and Trademark Office
P.O. Box 1450
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FEB 1 0 2011

HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re application of
Kazuyz Higami
Application No. 12/992,863
Filed: November 15, 2010
For: REFRIGERATOR

: **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 15, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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

MB/MB: 2/9/11

PTO/SB/20EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.:		Filing Date:	
First Named Inventor:	WEAVER, Eric M.		
Attorney Docket No.:	1442000-1001		
Title of the Invention:	METHODS AND COMPOSITIONS FOR REDUCING LUNG INFLAMMATION IN AN ANIMAL		

THIS REQUEST FOR PARTICIPATION IN THE PPH pilot PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding EPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

The EPO/PCT application number(s) is/are: PCT/US2009/45027

The filing date of the EPO/ PCT application(s) is/are: May 22, 2009

I. List of Required Documents:

a. **A copy of all EPO office actions (which are relevant to patentability) in the above-identified EPO application(s) or a copy of a positive Extended European Search Report (EESR) if no EPO office actions have been issued by the EPO**

☑ Is attached.*

b. **A copy of all claims which were determined to be patentable by EPO in the above-identified EPO application(s)**

☑ Is attached.*

c. **(1) An information disclosure statement listing the documents cited in the EPO office actions**

☑ Is attached.

☐ Has already been filed in the above-identified U.S. application on _____

(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 _____

*English translations of the documents along with a statement that the English translation are accurate are also attached if the documents are not in the English language.

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN EPO AND THE USPTO

(continued)

Application No.:	PCT/US2009/45027
First Named Inventor:	WEAVER, Eric M.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in EPO Application	Explanation regarding the correspondence
1-24	1-24	

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the EPO application.

Signature /wendy k. marsh/	Date 11/16/10
Name (Print/Typed) Wendy K. Marsh	Registration Number 39,705

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (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: 147547	Application Number (if known): 12/992,958	Filing date: November 16, 2010
First Named Inventor: Shinji ICHIKAWA		
Title: POWER FEEDING SYSTEM FOR VEHICLE, ELECTRICALLY POWERED VEHICLE AND POWER FEEDING APPARATUS FOR 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

Signature	Date January 21, 2011
Name (Print/Typed) Vishnu V. Ramaswamy	Registration Number 66,739

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 2 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shinji ICHIKAWA

Application No.: 12/992,958

Filed: November 16, 2010

For: POWER FEEDING SYSTEM FOR VEHICLE, ELECTRICALLY POWERED VEHICLE AND POWER FEEDING APPARATUS FOR VEHICLE

Group Art Unit:

Examiner:

Docket No.: 147547

STATEMENT OF MATERIALITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully submits that the above-identified application warrants special status. Specifically, the claims are directed to a power system for an electrically powered vehicle, which allow for at least (1) the more efficient utilization and conservation of energy resources, and (2) the reduction of greenhouse gas emissions.

Accordingly, Applicant respectfully submits that this application be granted special status under the Green Technology Pilot Program.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Vishnu V. Ramaswamy
Registration No. 66,739

JAO:VVR/amt

Date: January 21, 2011

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

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.
12/992,958	11/16/2010	Shinji Ichikawa	147547	1232

25944 7590 02/09/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
TRAN, KHOI H

ART UNIT	PAPER NUMBER
3664	

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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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FEB - 8

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
Shinji ICHIKAWA	:	DECISION ON PETITION
Application No. 12/992, 958	:	TO MAKE SPECIAL UNDER
Filed: November 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 147547	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on January 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 **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 Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3664 for action on the merits commensurate with this decision.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

Modified PTO/SB/20PCT-JP (01-2010)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/992,973	Filing Date:	November 16, 2010
First Named Inventor:	Makoto NISHIZAKI et al.	Attorney Docket No.:	2010_1578A
Title of the Invention:	HEARING AID		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number is: **PCT/JP2010-003895**

The international date of the corresponding PCT application is: **June 11, 2010**

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)

[X] is attached.
[ ] is <u>not</u> attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

[X] is attached.
[ ] is <u>not</u> attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

[ ] is attached.
[X] Has already been filed in the above-identified U.S. application on November 16, 2010.

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

[ ] Are attached.
[X] Have already been filed in the above-identified U.S. application on November 16, 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.

The USPTO is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.492, which may be required by this paper to Deposit Account No. 23-0975.

Modified PTO/SB/20PCT-JP (01-2010)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/992,973
First Named Inventor:	Makoto NISHIZAKI et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-14	1-14	correspond

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Jeffrey R. Filipek/ 2010.11.16 16:41:42 -05'00'	Date: November 16, 2010
Name: (Print/Type) Jeffrey R. Filipek	Registration No. 41,471

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
SHINJYU GLOBAL IP
South Forest Bldg., 1-4-19,
Minamimori-machi, Kita-ku,
Osaka-shi, Osaka
5300054

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	August 31, 2010 (31.08.2010)
Applicant's or agent's file reference P595052P0	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/003895	June 11, 2010 (11.06.2010)	June 24, 2009 (24.06.2009)

International Patent Classification (IPC) or both national classification and IPC
Int. Cl. H04R25/00(2006.01)i

Applicant
PANASONIC CORPORATION

1. This opinion contains indications relating to the following items:

- [✓] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [✓] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
Japanese Patent Office (ISA/JP) 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 1008915 Facsimile No.	August 20, 2010 (20.08.2010)	Yuji TAKEDA Telephone No. 03-3581-1101 extension 3591

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/003895

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
   - [✓] the international application in the language in which it was filed.
   - [ ] a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. [ ] This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (type of material)
   - [ ] a sequence listing
   - [ ] table(s) related to the sequence listing

   b. (means)
   - [ ] on paper
   - [ ] in electronic form

   c. (time)
   - [ ] in the international application as filed
   - [ ] together with the international application in electronic form
   - [ ] subsequently to this Authority for the purposes of search

4. [ ] In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/003895

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	2, 3, 5-10, 12-15	YES
	Claims	1, 4, 11	NO
Inventive step (IS)	Claims	2, 3, 5-7, 13-15	YES
	Claims	1, 4, 8-12	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations:

Citation 1: JP 2000-059893 A (JAPAN BROADCAST Corp.), February 25, 2000 (25.02.2000), Paragraphs [0010]-[0069]; Figs. 1-3
(Family; none)

Citation 2: JP 2000-083298 A (RION Co. Ltd.), March 21, 2000 (21.03.2000), Paragraph [0022]; Figs. 2, 3
(Family; none)

Citation 3: WO 95/013690 A1 (SONY Corp.), May 18, 1995 (18.05.1995), Claims 1, 25; Page 42, lines 3-24; Figs 11, 12
& US 005844816 A1

Citation 4: JP 06-030499 A (HITACHI Ltd.), February 4, 1994 (04.02.1994), entire text; all drawings
(Family; none)

The inventions pertaining to Claims 1, 4, and 11 are given in paragraphs 0001 to 0069 and FIGS. 1 to 3 of Patent Literature 1 cited in the International Search Report, and therefore lack novelty and inventive step.

The invention pertaining to Claim 8 lacks inventive step due to Patent Literature 1 and to Patent Literature 2 (paragraph 0022 and FIGS. 2 and 3) cited in the International Search Report. It would be easy for a person skilled in the art to provide the microphone, external input terminal, hearing aid processor, and receiver of Patent Literature 1 to a main body case as with the hearing aid of Patent Literature 2.

The invention pertaining to Claim 9 lacks inventive step due to Patent Literature 1 and 2 and to Patent Literature 3 (lines 3 to 24 on page 42, and FIGS. 11 and 12A). As discussed in Patent Literature 3, providing a facial movement detector at a position opposed to a receiver and in the a case is common knowledge, so no special feature is recognized in the invention.

The invention pertaining to Claim 10 lacks inventive step due to Patent Literature 1 and 2 and to Patent Literature 3 (lines 16 to 24 on page 42, and FIG. 12B). As discussed in Patent Literature 2, a hearing aid having an ear hook is common knowledge, and as discussed in Patent Literature 3, providing a facial movement detector on the receiver side is also common knowledge, so no special feature is recognized in the invention pertaining to Claim 10.

The invention pertaining to Claim 12 lacks inventive step due to Patent Literature 1 and Patent Literature 3 (Claims 1 and 25). It would be easy for a person skilled in

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of: Box No. V

the art to use an angular velocity sensor for the facial direction sensor in Patent Literature 1, as with the facial direction sensor in Patent Literature 2.

The inventions pertaining to Claims 2, 3, 5 to 7, and 13 to 15 are not discussed in any of the Patent Literature 1 to 4 cited in the International Search Report, and would not be obvious to a person skilled in the art. Also, Patent Literature 1 to 4 has inventive step.

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
新樹グローバル・アイピー特許業務法人
様

あて名
〒530-0054
日本国大阪府大阪市北区南森町１丁目４番１９号
サウスホレストビル

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SEP. 1.2010
SHINJYU
JAPAN

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）　３１．０８．２０１０	
出願人又は代理人 の書類記号　P595052P0	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／ＪＰ２０１０／００３８９５	（日.月.年）　１１．０６．２０１０	（日.月.年）　２４．０６．２００９

国際特許分類（ＩＰＣ）Int.Cl. H04R25/00(2006.01)i

出願人（氏名又は名称）
パナソニック株式会社

１．この見解書は次の内容を含む。

- ☑ 第Ｉ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
２０．０８．２０１０

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） 武田　裕司 電話番号　０３－３５８１－１１０１　内線　３５９１	５Ｚ　８９４７

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／ＪＰ２０１０／００３８９５

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：

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

１．　見解

新規性（N）	請求項	２，３，５－１０，１２－１５	有
	請求項	１，４，１１	無
進歩性（ＩＳ）	請求項	２，３，５－７，１３－１５	有
	請求項	１，４，８－１２	無
産業上の利用可能性（ＩＡ）	請求項	１－１５	有
	請求項		無

２．　文献及び説明

文献１：JP 2000-059893 A（日本放送協会）2000.02.25，段落【００１０】－【００６９】，第１－３図（ファミリーなし）
文献２：JP 2000-083298 A（リオン株式会社）2000.03.21，段落【００２２】，第２，３図（ファミリーなし）
文献３：WO 95/013690 A1（ソニー株式会社）1995.05.18，請求項１，２５，第４２ページ第３－２４行，第１１，１２図 & US 005844816 A1
文献４：JP 06-030499 A（株式会社日立製作所）1994.02.04，全文，全図（ファミリーなし）

請求項１，４，１１に係る発明は、国際調査報告で引用された文献１の段落【００１０】－【００６９】及び第１－３図に記載されているので、新規性、進歩性を有しない。

請求項８に係る発明は、文献１と国際調査報告で引用された文献２（段落【００２２】，第２，３図）とにより進歩性を有しない。文献１のマイク、外部入力端子、補聴処理部及びレシーバを、文献２の補聴器のように、本体ケースに設けるようにすることは、当業者にとって容易である。

請求項９に係る発明は、文献１，２と国際調査報告で引用された文献３（第４２ページ第３－２４行，第１１，１２Ａ図）とにより進歩性を有しない。文献３に記載のように、レシーバが設けられた位置とは反対側の位置及びケース内に顔動作検出部を設けるようなことは周知構成であり、この点においても格別の特徴は認められない。

請求項１０に係る発明は、文献１，２と文献３（第４２ページ第１６－２４行，第１２Ｂ図）とにより進歩性を有しない。文献２に記載のように、イヤーフックを有する補聴器は周知であり、また、文献３に記載のように、レシーバ側に顔動作検出部を設けることも周知構成であるので、請求項１０に係る発明も格別の特徴は認められない。

請求項１２に係る発明は、文献１と文献３（請求項１，２５）とにより進歩性を有し

補充欄

いずれかの欄の大きさが足りない場合

第 Ｖ 欄の続き

ない。文献１の顔方向検出センサを、文献２の顔方向検出センサのように、角速度センサとすることは、当業者にとって容易である。

請求項２，３，５－７，１３－１５に係る発明は、国際調査報告で引用された文献１－４のいずれにも記載されておらず、当業者にとって自明なものでもない。また、文献１－４に対して進歩性を有する。

(E

Statement of Translation

I hereby declare and state:

that I am thoroughly conversant in both the Japanese language and the English language;

that I am capable of performing translation from the Japanese language into English language; and

that the attached document represents a true and complete English translation of all claims which were indicated as having novelty, inventive and industrial applicability in the PCT Application No. PCT/JP2010/003895 .

Signed this 9th day of November, 2010.

M. Motoyama

Masafumi Motoyama

CLAIMS

1. A hearing aid, comprising:

a microphone configured to acquire ambient sound;

an external input terminal configured to acquire input sound inputted from an external device;

a hearing aid processor configured to receive an audio signal outputted from the microphone and the external input terminal, and subject the audio signal to hearing aid processing;

a receiver configured to receive and output the audio signal that has undergone hearing aid processing by the hearing aid processor;

a mixer configured to mix the audio signal inputted to the microphone and the audio signal inputted to the external input terminal, and output an audio signal to the receiver;

a facial movement detector configured to detect movement of the user's face; and

a mix ratio determination unit configured to determine a mix ratio of the audio signal inputted to the microphone and the audio signal inputted to the external input terminal, and transmit the mix ratio to the mixer, according to the detection result at the facial movement detector, and

an environmental sound detector that is connected to the mix ratio determination unit, configured to determine whether or not an audio signal inputted from the microphone includes an audio signal inputted from the external input terminal.

2. (Cancel)

3. The hearing aid according to Claim 2,

wherein, if the environmental sound detector detects that the audio signal inputted from the microphone includes something other than the audio signal inputted from the external input terminal, and

if the facial movement detector detects that the orientation of the user's face has changed,

then the mix ratio determination unit changes the mix ratio so that the dominance of an audio signal inputted from the microphone is raised over that of an audio signal inputted from the external input terminal.

4. The hearing aid according to any of Claims 1 to 3,

wherein, when the facial movement detector finds that the facial orientation is in a reference direction, the mix ratio determination unit changes the mix ratio so that the dominance of an audio signal acquired by the microphone is lowered below that of the an audio signal acquired by the external input terminal.

5. The hearing aid according to any of Claims 1 to 4,

wherein, when the environmental sound detector finds that the audio signal acquired by the microphone includes nothing other than an audio signal acquired by the external input terminal, and

the facial movement detector finds that the orientation of the user's face has changed from the reference direction,

the mix ratio determination unit sets the mix ratio so that the dominance is substantially equal for an audio signal acquired by the microphone and an audio signal acquired by the external input terminal.

6. The hearing aid according to any of Claims 1 to 5,

wherein the mix ratio determination unit has:

a state detector configured to detect the state of the user, which is decided on the basis of whether or not there is environmental sound and whether or not there is deviation in the orientation of the user's face;

an elapsed time computer configured to keep track of how long the state detected by the state detector has continued; and

a mix ratio computer configured to compute a new mix ratio on the basis of the state detected by the state detector, the continuation time computed by the elapsed time computer, and the immediately prior mix ratio.

7. The hearing aid according to Claim 6,

wherein the mix ratio determination unit further has a mix ratio determination table with which a mix ratio can be determined on the basis of the initial value for the mix ratio at the start of each state and the continuation time computed by the elapsed time computer for each state detected at the mix ratio computer, and a new mix ratio is determined on the basis of the mix ratio determination table.

8. The hearing aid according to any of Claims 1 to 7,

further comprising a main body case in which are provided the microphone, the external input terminal, the hearing aid processor, and the receiver.

9. The hearing aid according to Claim 8,

wherein the facial movement detector is provided at a position on the opposite side from the position where the receiver is provided within the main body case.

10. The hearing aid according to Claim 8,

wherein the facial movement detector is provided more to the receiver side in the main body case than an ear hook that hooks onto the user's hear.

11. The hearing aid according to any of Claims 1 to 10,

wherein the facial movement detector has a facial direction detecting sensor configured to detect the orientation of the user's face.

12. The hearing aid according to Claim 11,

wherein the facial direction detecting sensor is an angular velocity sensor configured to detect a change in the orientation of the user's face.

13. The hearing aid according to any of Claims 1 to 10,

wherein the facial movement detector computes a first similarity that indicates the degree of similarity between two or more of the sounds inputted to the microphone and television sound inputted from an external terminal, and, if the first similarity is within a specific range, decides that the two or more microphone sounds are television sounds, and

at the same time, computes a second similarity that indicates the degree of similarity between the two or more sounds inputted to the microphone, and, if the second similarity is outside a specific range obtained when the orientation of the user's face is a reference state, decides that the user's head has moved.

14. The hearing aid according to Claim 13,

wherein the facial movement detector computes the first similarity by using a cross correlation as the first similarity.

15. The hearing aid according to Claim 13,

wherein the facial movement detector computes the second similarity and detects movement of the user's head by using one of the following:

a cross correlation between the two or more sounds inputted to the microphone,

the sound pressure differential between the two or more sounds inputted to the microphone,

the phase differential or time differential between the two or more sounds inputted to the microphone, and

the spectral distance measure between the two or more sounds inputted to the microphone.

請求の範囲

［請求項１］（補正後）周辺音を取得するマイクと、

外部機器から入力される入力音を取得する外部入力端子と、

前記マイクおよび前記外部入力端子から出力された音信号を受信して、前記音信号に対して補聴処理を行う補聴処理部と、

前記補聴処理部において補聴処理された音信号を受信して出力するレシーバと、

前記マイクに入力された音信号と前記外部入力端子に入力された音信号とを混合して前記レシーバに音信号を出力する混合部と、

使用者の顔の動きを検出する顔動作検出部と、

前記顔動作検出部における検出結果に応じて、前記混合部における前記マイクに入力された音信号と前記外部入力端子に入力された音信号との混合比を決定し、前記混合部に送信する混合比決定部と、

前記混合比決定部に接続されており、前記マイクから入力された音信号に、前記外部入力端子から入力された音信号が含まれているか否かを判定する環境音検出部と、

を備えている補聴器。

［請求項２］（削除）

［請求項３］　前記環境音検出部において、前記マイクから入力された音信号に前記外部入力端子から入力された音信号以外が含まれることが検出され、かつ

前記顔動作検出部において、使用者の顔の向きが変化したことが検出されると、

前記混合比決定部は、前記マイクからの入力された音信号の優勢度を前記外部入力端子から入力された音信号よりも高めるように混合比を変更する、

請求項２に記載の補聴器。

［請求項４］　前記混合比決定部は、前記顔動作検出部において顔の向きが基準方向にある場合に、前記混合比決定部において前記マイクにおいて取得した音信号の優勢度を、前記外部入力端子において取得した音信号よりも低下させるように混合比を変更する、

請求項１から３のいずれか１つに記載の補聴器。

［請求項５］　前記環境音検出部において、前記マイクにおいて取得された音信号に、前記外部入力端子において取得された音情報以外のものが含まれず、かつ、

前記顔動作検出部において、使用者の顔の向きが基準方向から変化したことが検出された場合には、

前記混合比決定部は、前記マイクにおいて取得された音信号と前記外部入力端子において取得された音信号との優勢度をほぼ均等な混合比とする、

請求項１から４のいずれか１つに記載の補聴器。

［請求項６］　前記混合比決定部は、

環境音の有無および使用者の顔の向きのずれの有無に基づいて決定される使用者の状態を検出する状態検出部と、

前記状態検出部において検出された状態が継続している時間を計測する経過時間算出部と、

前記状態検出部において検出された状態と、前記経過時間算出部において算出された継続時間と、直前の混合比と、に基づいて、新たな混合比を算出する混合比算出部と、

を有している、

請求項１から５のいずれか１つに記載の補聴器。

［請求項７］　前記混合比決定部は、前記混合比算出部において前記状態検出部で検出された状態ごとに、各状態に入ったときの混合比の初期値と、前記経過時間算出部において算出された継続時間と、に基づいて混合比を決定可能な混合比決定テーブルを、

さらに有し、前記混合比決定テーブルに基づいて新たな混合比を決定する、

請求項６に記載の補聴器。

［請求項８］　前記マイクおよび前記外部入力端子と、前記補聴処理部と、前記レシーバと、が設けられる本体ケースを、

さらに備えている、

請求項１から７のいずれか１つに記載の補聴器。

［請求項９］　前記顔動作検出部は、前記本体ケース内において前記レシーバが設けられた位置とは反対側の位置に設けられている、

請求項８に記載の補聴器。

［請求項１０］　前記顔動作検出部は、前記本体ケースにおける使用者の耳に掛けるイヤーフックよりも前記レシーバ側に設けられている、

請求項８に記載の補聴器。

［請求項１１］　前記顔動作検出部は、使用者の顔の向きを検出する顔方向検出センサを有する、

請求項１から１０のいずれか１つに記載の補聴器。

［請求項１２］　前記顔方向検出センサは、使用者の顔の向きの変化を検出する角速度センサである、

請求項１１に記載の補聴器。

［請求項１３］　前記顔動作検出部は、２つ以上の前記マイクに入力される音と外部端子から入力されたテレビ音との類似の度合いを示す第１の類似度を算出し、前記第１の類似度が所定の範囲内にある場合に、前記２つ以上のマイクの音がテレビ音であると判定し、

　同時に前記２つ以上のマイクに入力される音の間の類似の度合いを示す第２の類似度を算出し、前記第２の類似度が、前記使用者の顔の向きが基準状態の際に得られる所定の範囲を超えた場合に、前記使用者の頭部が動いたと判定する、

請求項１から１０のいずれか１つに記載の補聴器。

［請求項１４］　前記顔動作検出部は、前記第１の類似度として相互相関を用いて前記第１の類似度を算出する、

請求項１３に記載の補聴器。

［請求項１５］　前記顔動作検出部は、

前記２つ以上のマイクに入力される音の間の相互相関、

前記２つ以上のマイクに入力される音の間の音圧差、

前記２つ以上のマイクに入力される音の間の位相差もしくは時間差、および

前記２つ以上のマイクに入力される音の間のスペクトル距離尺度

のいずれか１つを用いて前記第２の類似度を算出し、使用者の顔の動きを検出する、

請求項１３に記載の補聴器。

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,973	11/16/2010	Makoto Nishizaki	2010_1578A	1330

52349 7590 08/12/2011
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
08/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com
eoa@wenderoth.com

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1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of	**: DECISION ON REQUEST TO**
NISHIZAKI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/992,973	**: PROSECUTION HIGHWAY**
Filed: 16 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 2010_1578A	**: TO MAKE SPECIAL UNDER**
For: HEARING AID	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 16 November 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1), (2), and (5) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (3-4) and (6-8).

Regarding the requirement of condition (3), applicant has failed to submit a true copy of the claims from the PCT and an accurate translation. The copy of claims and translation provided indicate that PCT claim 2 was cancelled but it is clear from the Written Opinion that PCT was not cancelled.

Regarding the requirement of condition (4), it cannot be determined if requirement (4) has been met since requirement (3) has not been met.

Regarding the requirement of condition (6), applicant has failed to submit a copy of the Search Report (PCT/ISA/210).

Regarding the requirement of condition (7), it cannot be determined if requirement (7) has been met since requirement (6) has not been met.

Regarding the requirement of condition (8), the claims correspondence table indicates that US claims 1-14 correspond to PCT claims 1-14. This is not correct since there are 15 claims in the instant application and in the PCT and not all the PCT claims were indicated as having novelty, inventive step, and industrial applicability.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(Corrected Claims Correspondence Table)

Application No.:	12/992,973
First Named Inventor:	Makoto NISHIZAKI et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	2	US Claim 1 is PCT Claim 1 plus the limitations of PCT Claim2
3-15	3-15	Correspond. US Claims include minor editorial amendments and amendments to remove multiple dependency

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Jeffrey R. Filipek/ 2011.09.09 17:00:01 -04'00'	Date: September 9, 2011
Name: (Print/Type) Jeffrey R. Filipek	Registration No. 41,471

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,973	11/16/2010	Makoto Nishizaki	2010_1578A	1330

52349 7590 09/15/2011
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
09/15/2011	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):

ddalecki@wenderoth.com
eoa@wenderoth.com

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WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of	**: DECISION ON REQUEST TO**
NISHIZAKI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/992,973	**: PROSECUTION HIGHWAY**
Filed: 16 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 2010_1578A	**: TO MAKE SPECIAL UNDER**
For: HEARING AID	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 16 November 2010 and renewed on 09 September 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.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/992,986	01/20/2011	Hikoo Miyauchi	OHNO2-47097	1449

116 7590 04/11/2011
PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER
BUSHEY, CHARLES S

ART UNIT	PAPER NUMBER
1776	

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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April 11, 2011 WG

In re application of	:	DECISION ON REQUEST TO
Hikoo Miyauchi et al.	:	PARTICIPATE IN PATENT
Serial No. 12/992,986	:	PROSECUTION HIGHWAY
Filed: January 20, 2011	:	PROGRAM AND
For: HUMIDITY CONTROL DEVICE	:	PETITION TO MAKE
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed February 22, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/993,052	11/16/2010	Bridget Teresa Docking	348-225	1977

1009 7590 03/14/2011
KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON, KY 40507

EXAMINER

ART UNIT	PAPER NUMBER
3611	

MAIL DATE	DELIVERY MODE
03/14/2011	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.

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MAR 14 2011

KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

In re application of	:	**DECISION ON REQUEST TO**
Bridget Teresa Docking	:	**PARTICIPATE IN PATENT**
Application No. 12/993,052	:	**PROSECUTION HIGHWAY**
Filed: November 16, 2010	:	**PROGRAM AND PETITION**
For: GREETING CARD AND GREETING	:	**TO MAKE SPECIAL UNDER**
CARD DISPLAY FRAME	:	**37 CFR 1.102(a)**
ARRANGEMENTS		

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 16, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO, USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO 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 UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition fail to include:
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s); no copies of the allowable/patentable claims are found in the file.
Note, there is copy of claims 1-17 of GB0907470.9; however, there is no indication from the search report that these claims 1-17 have been allowed.
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s); see (2) above.
(5) Applicant must submit a copy of the latest Office action from each of the UKIPO application(s) containing the allowable/patentable claim(s).

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: 03/11/11

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/993,052	11/16/2010	Bridget Teresa Docking	348-225	1977

1009 7590 05/05/2011
KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON, KY 40507

EXAMINER

ART UNIT	PAPER NUMBER
3611	

MAIL DATE	DELIVERY MODE
05/05/2011	PAPER

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The time period for reply, if any, is set in the attached communication.

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MAY - 5 2011

KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

In re application of	:	**DECISION ON REQUEST TO**
Bridget Teresa Docking	:	**PARTICIPATE IN PATENT**
Application No. 12/993,052	:	**PROSECUTION HIGHWAY**
Filed: November 16, 2010	:	**PROGRAM AND PETITION**
For: GREETING CARD AND GREETING	:	**TO MAKE SPECIAL UNDER**
CARD DISPLAY FRAME	:	**37 CFR 1.102(a)**
ARRANGEMENTS		

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 12, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO, USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the UKIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, 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: 05/04/11

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MAILED

APR 12 2011

PCT LEGAL ADMINISTRATION

Troutman Sanders LLP
5200 Bank of America Plaza
600 Peachtree Street, N.e.
Suite 5200
Atlanta GA 30308-2216

In re Application of	:	
MARTIN et al.	:	
U.S. Application No.: 12/993,062	:	DECISION ON PETITION
PCT No.: PCT/US2009/044220	:	UNDER 37 CFR 1.182
International Filing Date: 15 May 2010	:	
Priority Date: 16 May 2008	:	
Attorney's Docket No.: GALA5	:	
For: METHOD AND DEVICE FOR EXTRUSION OF	:	
HOLLOW PELLETS	:	

This decision is issued in response to applicants' "Response to Notification of Defective Response" filed 25 February 2011 which is being treated as a Petition under 37 CFR 1.182, as explained below. The response (petition) seeks to correct the name of first inventor. The required $400 petition has been charged to Deposit Account no. 20-1507.

BACKGROUND

On 16 November 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 15 December 2010, applicants filed a declaration executed by J. Wayne Martin and Roger Blake Wright.

On 16 December 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration in compliance with 37 CFR 1.497(a)-(b) was required. The notification set a two-month time limit in which to respond.

On 31 January 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 first inventor.

On 25 February 2011, applicants filed "Response to Notification of Defective Response" considered herein.

DISCUSSION

In the published international application, the first inventor was identified as Wayne J. Martin. On the declaration filed 15 December 2010, this inventor was identified as J. Wayne Martin. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

Applicants state that the error was due to the transposition of inventors first and middle 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. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.

Here, applicants' submission included the authorization to charge Deposit Account No. 20-1507 for required fees. Based on this authorization, Deposit Account No. 20-1507 will be charged the requisite petition fee of $400, satisfying the petition fee requirement. However, the response does not include the required statement from the inventor confirming his correct name and indicating that the listing of Wayne J. Martin on the international application occurred without deceptive intent. Accordingly, on the present record, correction of the name of the first inventor from Wayne J. Martin to J. Wayne Martin is not appropriate.

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 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

AUG 09 2011

PCT LEGAL ADMINISTRATION

Troutman Sanders LLP
5200 Bank of America Plaza
600 Peachtree Street, N.e.
Suite 5200
Atlanta GA 30308-2216

In re Application of
MARTIN et al.
U.S. Application No.: 12/993,062
PCT No.: PCT/US2009/044220
International Filing Date: 15 May 2010
Priority Date: 16 May 2008
Attorney's Docket No.: GALA5
For: METHOD AND DEVICE FOR EXTRUSION OF HOLLOW PELLETS

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.182 of J. Wayne Martin" filed 01 June 2011. The petition seeks to correct the name of the first inventor.

BACKGROUND

On 16 November 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 15 December 2010, applicants filed a declaration executed by J. Wayne Martin and Roger Blake Wright.

On 16 December 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration in compliance with 37 CFR 1.497(a)-(b) was required. The notification set a two-month time limit in which to respond.

On 31 January 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 first inventor.

On 25 February 2011, applicants filed "Response to Notification of Defective Response." In a decision dated 12 April 2011, applicants' petition under 37 CFR 1.182 was dismissed without prejudice.

On 01 June 2011, applicants filed the present "Renewed Petition under 37 CFR 1.182" considered herein.

DISCUSSION

In the published international application, the first inventor was identified as Wayne J. Martin. On the declaration filed 15 December 2010, this inventor was identified as J. Wayne Martin. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

Applicants state that the error was due to the transposition of inventors first and middle 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. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.

Here, applicants' previous submission included $400, satisfying the petition fee requirement. Additionally, applicants have submitted the required statement from the inventor confirming the name correction and that the error occurred without deceptive intent.

Based on applicants' statement herein, it is accepted that the correct full name for the first inventor is J. Wayne Martin, as set forth on the declaration filed 15 December 2010.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to correct the name of record for the first inventor herein is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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:	November 16, 2010
First Named Inventor:	Cantemir et al.		
Title of the Invention:	MARINE PROPULSION SYSTEM		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/044366

The international date of the corresponding PCT application(s) is/are: May 18, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	Cantemir 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
1-10	1-10	Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Michael Stonebrook/	Date	November 16, 2010
Name (Print/Typed)	Michael Stonebrook	Registration Number	53,851

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.
12/993,066	11/16/2010	Codrin-Gruie Cantemir	OSU1159-239C	2068

8698 7590 02/16/2011
STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin, OH 43017

EXAMINER

ART UNIT	PAPER NUMBER
3617	

MAIL DATE	DELIVERY MODE
02/16/2011	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

FEB 16 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin OH 43017

In re application of Cantemir et al. Application No. 12/993,066 Filed: November 16, 2010 For: MARINE PROPULSION SYSTEM	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 16, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 02/16/11

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Application Number	12993066
Filing Date	16-Nov-2010
First Named Inventor	Codrin-Gruie Cantemir
Art Unit	3617
Examiner Name	AJAY VASUDEVA
Attorney Docket Number	OSU1159-239C
Title	MARINE PROPULSION SYSTEM

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
1. Petition fee;
2. Reply and/or issue fee;
3. Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
4. Statement that the entire delay was unintentional.

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☒ Applicant(s) status remains as SMALL ENTITY.

☐ Applicant(s) status remains as other than SMALL ENTITY.

Reply Fee

☒ A reply in the form of a continuing application with serial number 13304185 has been previously filed on 11-23-2011

Terminal disclaimer with disclaimer fee

☒ Terminal disclaimer and fee are not required

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the terminal disclaimer and fee have already been filed in the above-identified application on

☐ Terminal disclaimer and fee are attached

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.

○ A joint inventor; all of whom are signing this e-petition.

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Michael Stonebrook/
Name	Michael Stonebrook
Registration Number	53851

UNITED STATES 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 : December 16, 2011

In re Application of :

DECISION ON PETITION

Codrin-Gruie Cantemir

Application No : 12993066

Filed : 16-Nov-2010

Attorney Docket No : OSU1159-239C

This is an electronic decision on the petition under 37 CFR 1.137(b), filed December 16, 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 an Office action. The date of abandonment is the day after the expiration date of the period set for reply in the Office action or action plus any extensions of time actually obtained.

The electronic petition satisfies the requirements of 37 CFR 1.137(b) in that the practitioner has supplied (1) the reply in the form of a continuing application, (2) the petition fee under 37 CFR 1.17(m), and (3) a proper statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 13304185 filed on 11-23-2011

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 04 2011

OFFICE OF PETITIONS

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

Applicants: Drewes, et al.
Appl. No.: 12/993,071
International Filing Date: May 14, 2009
Title: METHODS FOR THE IDENTIFICATION OF PARP INTERACTING MOLECULES AND FOR PURIFICATION OF PARP PROTEINS
Attorney Docket: 31192/45846
Pub. No.: US 2011/0070595 A1
Pub. Date: March 24, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 19, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material mistake. Applicant explains that, while the claim set appears to have been published correctly, the wrong specification, figures and abstract were published.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request is untimely, as it is not filed within two months of March 24, 2011, the date of the patent application publication.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/993,086	11/16/2010	Dong Yeon Kim	87403(301264)	2443

90238 7590 01/20/2012
Edwards Wildman Palmer LLP
P.O. Box 55874
Boston, MA 02205

EXAMINER
STOCKTON, LAURA LYNNE

ART UNIT	PAPER NUMBER
1626	

NOTIFICATION DATE	DELIVERY MODE
01/20/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@edwardswildman.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

JAN 20 2012

In re Application of	:	
Dong Yeon KIM, et al	:	NOTICE OF WITHDRAWAL
Serial No. 12/993086	:	FROM ISSUE
Filed: November 16, 2010	:	UNDER 37 CFR 1.313(b)
For: PROCESS FOR PREPARING INTERMEDIATE	:	
COMPOUND FOR SYNTHESIZING AN	:	
ANTIULCERANT	:	

The above-identified application is withdrawn from issue after payment of the issue fee due to a mistake on the part of the Office. See 37 CFR 1.313(b).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to Joseph McKane, SPE 1626 at (571) 272-0699.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Irem Yucel, Director
Technology Center 1600

EDWARDS WILDMAN PALMER LLP
P.O. BOX 55874
BOSTON, MA 02205

cc: Publications, Scanning

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 24 2011
PCT LEGAL ADMINISTRATION

WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

In re Application of :
HORSAGER et al. :
Application No.: 12/993,092 :
PCT No.: PCT/US2009/044753 :
Int. Filing Date: 20 May 2009 :
Priority Date: 20 May 2008 :
Attorney Docket No.: 36396-702.831 :
For: VECTORS FOR DELIVERY OF LIGHT SENSITIVE PROTEINS AND METHODS OF USE :

DECISION ON PETITION
UNDER 37 CFR 1.497(d)

This decision is issued in response to applicant's "Amendment, Petition and Fee to Add Inventors under PCT Rule 92bis – pursuant to 37 CFR 1.497(d)" filed 21 July 2011. The $130 petition fee has been provided.

BACKGROUND

On 20 May 2009, applicant filed international application PCT/US2009/044753 which claimed a priority date of 20 May 2008. The published international application identified three applicants/inventors for the United States: Alan Horsager; William Hauswirth; and Jianwen Liu. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 20 November 2010.

On 16 November 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and an application data sheet.

On 13 December 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a) and (b). Furthermore, the notification indicated that the nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements set forth in 37 CFR 1.821- 825. The notification set a two-month time limit in which to respond.

Application No.: 12/993,092

On 10 June 2011, applicant filed a sequence listing in compliance with 37 CFR 1.821- 825 and a declaration executed by: Alan Horsager; William Hauswirth; Jianwen Liu; Benjamin Matteo; and Edward S. Boyden III.

On 28 June 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 defective because the declaration named inventors (Benjamin Matteo and Edward S. Boyden III) not identified on the international application.

On 21 July 2011, applicant filed a request under 37 CFR 1.497(d).

DISCUSSION

Applicant requests to add Benjamin Matteo and Edward S. Boyden III as inventors to the present application. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) 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); the fee set forth in 37 CFR 1.17(i); (3) 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); and (4) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497.

Applicant has satisfied items (1), (2) and (4).

Regarding item (3), applicant submitted a document entitled "Consent of Assignee to Correction of Inventorship Pursuant to 37 CFR 1.497(d)(3)" considered herein. This document states that the assignee consents to the addition of Benjamin Matteo and Edward S. Boyden III as inventors herein. However, pursuant to 37 CFR 1.497(d)(3), the consent of the assignee must be submitted in compliance with 37 CFR 3.73(b) (see MPEP 201.03(II)(D)). Here, the statement executed by the assignee does not comply with the requirements of 37 CFR 3.73(b)(1). Specifically, the assignee does not expressly state that "the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation" or that "documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number)." See Form PTO/SB/96. Additionally, the person (David L. Day) signing the "Consent of Assignee to Correction of Inventorship Pursuant to 37 CFR 1.497(d)(3)" does not have apparent authority to act on behalf of the assignee or states that he/she is authorized to act on behalf of the assignee. Because the assignee has not properly established ownership pursuant to 37 CFR 3.73(b), the statement of consent submitted here cannot, on the present record, be accepted in satisfaction of this requirement. Item (3) is therefore not satisfied.

The inventors of record remain the inventors named on the international application.

Application No.: 12/993,092

CONCLUSION

Applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant must file a proper response to this decision within **TWO (2) MONTHS** from the mail date indicated above. A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b). Failure to file a timely and proper response will result in abandonment of the application.

Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Wilson, Sonsini, Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304-1050

MAILED
DEC 14 2011
PCT LEGAL ADMINISTRATION

In re Application of
HORSAGER et al.
Application No.: 12/993,092
PCT No.: PCT/US2009/044753
Int. Filing Date: 20 May 2009
Priority Date: 20 May 2008
Attorney Docket No.: 36396-702.831
For: VECTORS FOR DELIVERY OF LIGHT SENSITIVE PROTEINS AND METHODS OF USE

DECISION ON REQUEST

In a decision mailed by this Office on 24 October 2011, applicant's request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d).

On 08 December 2011, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's submissions satisfy the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the added inventors. The processing fee set in forth in 37 CFR §1.17 has been submitted. And applicant has submitted the consent of the assignee to the requested correct of inventorship in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Based on the above, applicant's request to add Benjamin MATTEO and Edward S. BOYDEN III as inventors is appropriately granted. Based on this correction, the declaration filed on 10 June 2011 (which named Alan Horsager; William Hauswirth; Jianwen Liu; Benjamin Matteo; and Edward S. Boyden III) is acceptable under 37 CFR 1.497. Applicant's request to correct inventorship under 37 CFR 1.497(d) is GRANTED.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 10 June 2011.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PCT LEGAL ADMINISTRATION

DUANE MORRIS LLP - Princeton
PO BOX 5203
PRINCETON NJ 08543-5203

In re Application of	:	
SLATE et al.	:	
Application No.: 12/993,163	:	DECISION ON
PCT No.: PCT/US09/44693	:	
Int. Filing Date: 20 May 2009	:	PETITION UNDER
Priority Date: 20 May 2008	:	
Attorney Docket No.: A-1488-WO-US	:	37 CFR 1.182
For: AUTOINJECTOR SYSTEM	:	

This is a decision on a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 04 February 2011 to correct the international application number.

On 17 November 2010, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 12/993,163. However, the international application PCT/US**07**/44693 as indicated on the Electronic Acknowledgement Receipt differs from the PCT application number PCT/US**09**/44693 on the second page of the Transmittal Letter.

On 04 February 2011, the petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/**US09**/44693 on the national stage papers filed on 17 November 2010 is **GRANTED**. The $400 petition fee will be charged to applicant's deposit account 14-1679 per their authorization.

The USPTO records will identify the present application **12/993,163** as the national stage of **PCT/US09/44693**.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration
Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SORIN ROYER COOPER LLC
TWO TOWER CENTER BOULEVARD, 11TH FLOOR
EAST BRUNSWICK, NJ 08816

MAILED

JAN 26 2012

OFFICE OF PETITIONS

Applicants: SLATE, et al.
Appl. No.: 12/993,163
International Filing Date: May 20, 2009
Title: **AUTOINJECTOR SYSTEM**
Attorney Docket: A-1488-WO-US
Pub. No.: US 2011/0224616 A1
Pub. Date: September 15, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 9, 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

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.
12/993,186	11/17/2010	Carlos Alemparte-Gallardo	PB62998USw	3415

23347 7590 12/23/2011
GLAXOSMITHKLINE
GLOBAL PATENTS
FIVE MOORE DR., PO BOX 13398
MAIL STOP: C2111.2F
RESEARCH TRIANGLE PARK, NC 27709-3398

EXAMINER
WILLIS, DOUGLAS M

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
12/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USCIPRTP@GSK.COM
ELAINE.X.MARTENS@GSK.COM
PATRICIA.T.WILSON@GSK.COM

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC 2 3 2011

Robert H. Brink
GLAXOSMITHKLINE
GLOBAL PATENTS
FIVE MOORE DR., PO BOX 13398
MAIL STOP: C2111.2F
RESEARCH TRIANGLE PARK NC 27709-3398

In re Application of	:
Alemparte-Gallardo et al	:Decision on Petition
Serial No.: 12/993,186	:
Filed : 17 November 2010	:
Attorney Docket No.: PB62998USw	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 10 November 2011 requesting reconsideration of the restriction requirement mailed 13 June 2010.

BACKGROUND

This application was filed as a national stage application in compliance with 35 U.S.C. 371 and as such is entitled to re-consideration under PCT Unity of Invention rules.

On 13 June 2010, the examiner set forth a restriction requirement which divided the claims into five groups and required further election of species.

I. Claims 1 - 12 drawn to substituted 1,2-dihydro-4H,9H-imidazo[1,2,3-ij]-1,8-naphthyridine-4,9-diones and simple pharmaceutical compositions of the formula I, where Z^1 = CH; and Z^2 = CH.

II. Claims 1-12 drawn to substituted 1,2-dihydro-3H,8H-2a,5,8a-triazaace-naphthylene-3,8-diones and simple pharmaceutical compositions of the formula I, where Z^1 = CH; and Z^2 = CH.

III. Claims 1-12 drawn to substituted 1,2,5a-8b-tetrahydro-3H,8H,2a,5,8a-triaza-acenaphthylene-3,8-diones and simple pharmaceutical compositions of the formula I, where Z^1 = CH; and Z^2 = CH.

IV. Claim 13 drawn to a method of treatment of tuberculosis in mammals...which method comprises the administration....of a substituted heterocycle of the formula I.

V. Claim 18 drawn to a process for preparing substituted heterocycles of the formula I.

On 7 July 2010, applicants elected Group I, drawn to compound and compositions of Claim 1 where Z1 =CH and Z2 = CH, and the species of Example 1, with traverse.

On 25 August 2011, the examiner mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. Claims 13 and 18 were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1-12 were objected to for lack of compliance with the requirement for restriction/election of species. Claim 11 was rejected under 35 U.S.C. 112, 2nd paragraph for indefiniteness. Claims 1-12 were rejected for being improper Markush claims.

On 10 November 2011, applicants filed a response to the Office action along with this petition.

DISCUSSION

The file history and petition have been considered carefully.

The petition is correct in requesting that the Office "follow its own rules as set forth in the MPEP and to give reasons, not merely a conclusion."

The restriction requirement separated the product claims (Groups I, II and III) from the process of using the product (Group IV) and the making the product (Group V). The International Search and Preliminary Examination Guidelines provide Example 1 which demonstrates how a product, process of making and process of using the product may be properly divided into three groups.

10.21 Example 1 demonstrates

Claim 1: A method of manufacturing chemical substance X.

Claim 2: Substance X.

Claim 3: The (method of) use of substance X as an insecticide.

Unity exists between claims 1, 2 and 3. The special technical feature common to all the claims is substance X. However, if substance X is known in the art, unity would be lacking because there would not be a special technical feature common to all the claims.

In this instance, a review of the lack of unity determination mailed 13 June 2011 and the first Office action on the merits mailed 25 August 2011 indicates no prior art was identified which anticipates or renders obvious the product of Groups I, II or III. Without prior art teaching the shared technical feature, unity of invention exists between the product claims and the processes. The Examiner's assertions that the inventions are independent and distinct and that there would be a burden to examine the claims are not persuasive, given that this is a national stage application filed in compliance with 35 U.S.C. 371 and subject to PCT Unity of Invention analysis.

Next, the Petition states that the examiner has not provided any reasons establish lack of unity. The petition describes the restriction requirement as "so vague that it is difficult for Applicants to even know how to respond." This is persuasive. For example, Claim 1 permits one of Z1 and Z2 to be either CH or N and the other to be CH. However, Groups I, II and II require that both Z1 and Z2 both be CH. As such the groups overlap in scope and there is not clear line demarcated between patentably distinct subject matter. This is counter to MPEP 814, which requires the examiner indicate exactly how an application is restricted.

> "The examiner must provide a clear and detailed record of the restriction requirement to provide a clear demarcation between restricted inventions so that it can be determined whether inventions claimed in a continuing application are consonant with the restriction requirement and therefore subject to the prohibition against double patenting rejections under 35 U.S.C 121. *Geneva Pharms. Inc. v. GlaxoSmithKline PLC*, 349 F.3d 1373, 1381, 68 USPQ2d 1865, 1871 (Fed. Cir. 2003). See also MPEP § 804.01."

The petition then questions treatment of placing the product claims, drafted in Markush format, into three separate groups for examination. This type of restriction is inconsistent with the 9 February 2011 Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." This Notice applies to both national applications filed under 35 U.S.C. 111(a) and national stage applications filed in compliance with 35 U.S.C. 371. Page 7166 sets forth guidelines for the treatment of Markush-type claims:

> "Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an

election of species). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

In view of these new guidelines, the restriction requirement between the embodiments of the Markush claims (Groups I-III) is unwarranted and is hereby replaced with a provisional election of species requirement for search and examination purposes.

It is noticed that the examiner has objected to claims for lack of compliance with the restriction and election of species requirement and required applicants to re-write claim directed solely to the elected subject matter. This is counter to MPEP 803.02 and 821.03. Applicants have a right to retain non-elected embodiments recited in the alternative of a single claim and to retain process claims that make or use the elected product.

DECISION

The petition filed on 10 November 2011 under 37 CFR 1.144 is **GRANTED** follows.

The restriction requirement made between the product claims (Groups I-III) has been withdrawn and reformatted as a provisional election of species requirement. Markush claims are to be examined according to the guidance in MPEP 803.02 and the Federal Register Notice of February 2011.

The objection to claims for reciting non-elected subject matter and requirement to rewrite claims to be directed solely to the elected compounds are withdrawn.

The application will be forwarded to the examiner to consider the papers filed 21 November 2011, and to prepare an Office action addressing the product and process claims consistent with this petition decision.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.

Remy Yucel
Director, Technology Center 1600

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	DECISION ON
McFADDEN et al	:	
Application No.: 12/993,191	:	
PCT No.: PCT/US2007/014593	:	
Filing Date: 21 June 2007	:	PETITION UNDER
Priority Date: 21 June 2006	:	
Attorney's Docket No.: 3033.0010000/MAC	:	
For: Viral Sequences and Uses Thereof	:	37 CFR 1.137(b)

MAILED
JAN 13 2011
PCT LEGAL ADMINISTRATION

This decision is in response to applicants' "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed 17 November 2010.

BACKGROUND

On 21 June 2007, this international application was filed, claiming an earliest priority date of 21 June 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 21 December 2008. This international application became abandoned with respect to the United States at midnight on 21 December 2008 for failure to pay the required basic national fee.

On 17 November 2010, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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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 09 2010
PCT LEGAL ADMINISTRATION

In re Application of KIM et al :
U.S. Application No.: 12/993,198 :
PCT Application No.: PCT/KR2009/001266 :
Int. Filing Date: 13 March 2009 :
Priority Date Claimed: 14 March 2008 :
Attorney Docket No.: 428.1186 : DECISION
For: METHOD FOR MONITORING, :
DIAGNOSING, AND SCREENING :
CANCER THROUGH MEASURING THE :
CONCENTRATION OF DES-R :
PROTHROMBIN ACTIVATION PEPTIDE :
FRAGMENT F2 (DES-R F2) IN A SERUM :

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 17 November 2010.

BACKGROUND

On 13 March 2009, applicant filed international application PCT/KR2009/001266, which claimed priority of an earlier Korea application filed 14 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 17 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 14 September 2010.

On 15 September 2010, international application PCT/KR2009/001266 became abandoned as to the United States for failure to timely pay the basic national fee.

On 17 November 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 13 March 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 November 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/993,203	11/17/2010	Kan Nakata	101387	3603

38834 7590 07/01/2011
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER
HOOVER, MATTHEW

ART UNIT	PAPER NUMBER
1746	

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):

patentmail@whda.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

7/1/11

CST

In re application of Kan Nakata Serial No. 12/993,203 Filed: November 17, 2010 For: SHEET STICKING APPARATUS AND STICKING 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 request to participate in the Patent Prosecution Highway (PPH) program filed May 26, 2011.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:

   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition fail because:

(3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s).

Claim 1 of the present application does not sufficiently correspond to claim 1 of the corresponding Japanese application. Specifically, independent claim 1 of Japanese application 2008-149067 requires the phrase "while contacting only the outer periphery portion of the adherend" whereas this phrase is not present in present claim 1. Also, claim 1 of the Japanese application requires that the adhesive sheet is "pressed" and stuck to the adherend, however present claim 1 requires only that the adhesive sheet is stuck to the adherend.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application with await action in its regular turn.

Application No. 12/993,203

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/993,203	11/17/2010	Kan Nakata	101387	3603

38834 7590 08/03/2011
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER
HOOVER, MATTHEW

ART UNIT	PAPER NUMBER
1746	

NOTIFICATION DATE	DELIVERY MODE
08/03/2011	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):

patentmail@whda.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

August 2, 2011

In re application of Kan Nakata Serial No. 12/993,203 Filed: November 17, 2010 For: SHEET STICKING APPARATUS AND STICKING 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 supplemental request to participate in the Patent Prosecution Highway (PPH) program filed July 20, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate; and

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/993,207	Filing date:	Nov. 17, 2010
First Named Inventor:	Robert C. Stover		
Title of the Invention:	COMPRESSOR HAVING CAPACITY MODULATION SYSTEM		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/045630

The international filing date of the corresponding PCT application(s) is/are: Jan. 04, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.:	12/993,207
First Named Inventor:	Robert C. Stover

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 Nov. 17, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on Nov. 17, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-24	1-24	The claims are identical.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /MichaelMalinzak/	Date February 9, 2011
Name (Print/Typed) Michael Malinzak	Registration Number 43,770

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/993,207	11/17/2010	Robert C. Stover	0315-000669/US/NP	3625

27572 7590 03/10/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
TRIEU, THERESA

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
03/10/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Alexandria, VA 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	:	
STOVER, ROBERT C. et al	:	DECISION ON REQUEST TO
Application No. 12/993,207	:	PARTICIPATE IN PATENT
Filed: Nov. 17, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 0315/000669/US/NP	:	PROGRAM AND PETITION
Title: COMPRESSOR HAVING CAPACITY	:	TO MAKE SPECIAL UNDER
MODULATION SYSTEM	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Tom Denion, the SPE of Art Unit 3748 at 571-272-4859 for Class 418/16 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

PTO/SB/20PCT-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:	12/993,220	Filing date:	June 23, 2009
First Named Inventor:	Uwe Liess		
Title of the Invention:	Ballast With Lamp Filament Detection		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US09/48236

The international date of the corresponding PCT application(s) is/are:
International Filing Date: June 23, 2009
Priority Date: June 26, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.:	12/993,220
First Named Inventor:	Uwe Liess

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on November 17, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

Have already been filed in the above-identified U.S. application on November 17, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	All claims in the PCT application are exactly
2	2	the same in the US application as filed
3	3	
4	4	
5	5	
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14	14	
15	15	
16	16	
17	17	
18	18	
19, 20	19, 20	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /SPM/	Date
Name (Print/Typed) Shaun P. Montana, Esq.	Registration Number 54,320

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/993,220	11/17/2010	Uwe Liess	2006P20273WOUS	3769

24252 7590 03/02/2011
OSRAM SYLVANIA INC
100 ENDICOTT STREET
DANVERS, MA 01923

EXAMINER

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
03/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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OSRAM SYLVANIA INC
100 ENDICOTT STREET
DANVERS MA 01923

In re Application of	
LIESS et al.	**: DECISION ON REQUEST TO**
Application No.: 12/993,220	**: PARTICIPATE IN THE PATENT**
Filed: 17 November 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 2006P20273WOUS	**: PROGRAM AND PETITION**
For: BALLAST WITH LAMP	**: TO MAKE SPECIAL UNDER**
FILAMENT DETECTION	**: 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 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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:	12/993,223	Filing date:	June 23, 2009
First Named Inventor:	Naveen Yadlapalli		
Title of the Invention:	Ballast With Lamp-Diagnostic Filament Heating, and Method Therefor		

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/US09/48247

The international date of the corresponding PCT application(s) is/are: International Filing Date: June 23, 2009
Priority Date: June 26, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/993,223
First Named Inventor:	Naveen Yadlapalli

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on November 17, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

Have already been filed in the above-identified U.S. application on November 17, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	All claims in the PCT application are exactly
2	2	the same in the US application as filed
3	3	
4	4	
5	5	
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13	13	
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15	15	
16	16	
17	17	
18	18	
19, 20, 21, 22, 23, 24	19, 20, 21, 22, 23, 24	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /SPM/	Date 11-29-2010
Name (Print/Typed) Shaun P. Montana, Esq.	Registration Number 54,320

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/993,223	11/17/2010	Naveen Yadlapalli	2006P20279WOUS	3805

24252 7590 03/02/2011
OSRAM SYLVANIA INC
100 ENDICOTT STREET
DANVERS, MA 01923

EXAMINER

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
03/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OSRAM SYLVANIA INC
100 ENDICOTT STREET
DANVERS MA 01923

In re Application of	
YADLAPALLI et el.	**: DECISION ON REQUEST TO**
Application No.: 12/993,223	**: PARTICIPATE IN THE PATENT**
Filed: 17 November 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 2006P20279WOUS	**: PROGRAM AND PETITION**
For: BALLAST WITH LAMP-	**: TO MAKE SPECIAL UNDER**
DIAGNOSTIC FILAMENT HEATING,	**: 37 CFR 1.102(a)**
AND METHOD THEREFOR	

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 November 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1) and (3-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (2).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII. The Written Opinion contained observations in Box VIII pertaining to claims 12 and 13. The observation alleged that the dependency of claims 12 and 13 should be changed to claim 11. Applicant should either amend the dependency of claims 12 and 13 or explain why the current dependency is correct.

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/993,223	Filing date:	June 23, 2009
First Named Inventor:	Naveen Yadlapalli		
Title of the Invention:	Ballast With Lamp-Diagnostic Filament Heating, and Method Therefor		

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/US09/48247

The international date of the corresponding PCT application(s) is/are: International Filing Date: June 23, 2009
Priority Date: June 26, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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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.:	12/993,223
First Named Inventor:	Naveen Yadlapalli

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on November 17, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

Have already been filed in the above-identified U.S. application on November 17, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	All claims in the PCT application are exactly
2	2	the same in the US application as filed
3	3	In a preliminary amendment filed herewith on
4	4	March 17, 2011, Applicants have corrected
5	5	the dependencies of claims 12 and 13, so that
6	6	claims 12 and 13 now properly depend from
7	7	independent claim 11, instead of claim 10.
8	8	
9	9	
10	10	
11	11	
12	12	
13	13	
14	14	
15	15	
16	16	
17	17	
18	18	
19, 20, 21, 22, 23, 24	19, 20, 21, 22, 23, 24	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /SPM/	Date 03-17-2011
Name (Print/Typed) Shaun P. Montana, Esq.	Registration Number 54,320

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/993,223	11/17/2010	Naveen Yadlapalli	2006P20279WOUS	3805

24252 7590 04/26/2011
OSRAM SYLVANIA INC
100 ENDICOTT STREET
DANVERS, MA 01923

EXAMINER

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
04/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OSRAM SYLVANIA INC
100 ENDICOTT STREET
DANVERS MA 01923

In re Application of	
YADLAPALLI et el.	**: DECISION ON REQUEST TO**
Application No.: 12/993,223	**: PARTICIPATE IN THE PATENT**
Filed: 17 November 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 2006P20279WOUS	**: PROGRAM AND PETITION**
For: BALLAST WITH LAMP-	**: TO MAKE SPECIAL UNDER**
DIAGNOSTIC FILAMENT HEATING,	**: 37 CFR 1.102(a)**
AND METHOD THEREFOR	

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 November 2010 and renewed on 17 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 have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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www.uspto.gov

MAILED

SEP 12 2011

PCT LEGAL ADMINISTRATION

LeClairRyan
290 Linden Oaks
Suite 310
Rochester NY 14625

In re Application of	:	DECISION
ROSE et al.	:	
Application No.: 12/993,229	:	
PCT No.: PCT/US2009/044522	:	
Int. Filing Date: 19 May 2009	:	
Priority Date: 19 May 2008	:	
Attorney Docket No.: 19603-5992	:	
For: DELAYED FRUIT DETERIORATION	:	
ALLELE IN PLANTS AND METHODS OF	:	
DETECTION	:	

This decision is in response to applicants' petition under 37 CFR 1.497(d) filed 22 June 2011.

BACKGROUND

On 19 May 2009, applicants filed international application PCT/US2009/0044522, which designated the United States and claimed a priority date of 19 May 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 November 2010.

On 17 November 2010, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 December 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 11 April 2011, applicants filed, *inter alia*, a declaration of inventors.

On 21 April 2011, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed 11 April 2011 did not identify the same inventive entity as indicated in the international application in that the declaration included an additional inventor.

On 22 April 2011, the DO/EO/US issued a second NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, as did the NOTIFICATION OF DEFECTIVE RESPONSE issued 21 April 2011 that the declaration of inventors filed 11 April 2011 did not identify the same inventive entity as indicated in the international application in that the declaration included an additional inventor.

On 22 June 2011, applicants filed the instant petition requesting that Julia VERBALOV be added as an inventor. The petition was accompanied by a statement from the additional inventor, a consent of assignee statement, and a statement under 37 CFR 3.73(b).

DISCUSSION

Petition under 37 CFR 1.497(d)

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Items (1) and (3) have been satisfied. Item (4) is not required. As to item (2), the petition fee of $130 has been charged to Deposit Account 505409.

The declaration of inventors filed 11 April 2011 is in compliance with 37 CFR 1.497(a)-(b).

Extensions of Time

A petition/fee for a two-month extension of time was properly filed on 11 April 2011. A petition/fee for a three-month extension of time was filed on 22 June 2011. Had the second NOTIFICATION OF MISSING REQUIREMENTS not issued, a five-month extension of time would have been required with the 22 June 2011 submission. (The fee would have been $1,175-$245 (the amount paid on 11 April 2011.) However, because a NOTIFICATION OF DEFECTIVE RESPONSE setting forth a first time period was issued on 21 April 2011 and a

second NOTIFICATION OF MISSING REQUIREMENTS setting forth a second time period was issued on 22 April 2011, the application had two different time periods for correcting the same defect. In the instant case, applicant is entitled to the longer of the two time periods. Thus, no petition/fee for extension of time was required for the 22 June 2011 submission. The three-month extension of time fee ($555) paid on 22 June 2011 will be credited to Deposit Account 505409.

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Jocelyn ROSE, Tal ISAACSON, and Julia VERBALOV as inventors.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAN 14 2011

PCT LEGAL ADMINISTRATION

J-TEK LAW PLLC
601 Pennsylvania Avenue, NW
Suite 900, South Building
Washington DC 20004

In re Application of :
Fruth, Carl Johannes, et al. :
Application No.: 12/993,230 :
PCT No.: PCT/EP2008/006857 :
Int. Filing Date: 20 August 2008 : DECISION
Priority Date: 09 May 2008 :
Att. Docket No.: FIT001-00093 :
For: FIBERS FOR USE IN THE :
PRODUCTION OF A MOLDED BODY:
FORMED IN LAYERS :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 17 November 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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/993,286	Filing date:	November 18, 2010
First Named Inventor:	Jalal Hallak		
Title of the Invention:	Method for Determining the Offset of a Periodic Signal		

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/EP2009/055636

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.

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/993,286
First Named Inventor:	Jalal Hallak

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 18, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 18, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
5	1	U.S. Claim as per Preliminary Amendment filed 11/18/10
6	2	U.S. Claim as per Preliminary Amendment filed 11/18/10
7	2	U.S. Claim as per Preliminary Amendment filed 11/18/10
8	3	U.S. Claim as per Preliminary Amendment filed 11/18/10
9	4	U.S. Claim as per Preliminary Amendment filed 11/18/10

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Tina Gonka/	Date April 20, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/993,286	11/18/2010	Jalal Hallak	2008P00561WOUS	4761

22116 7590 05/04/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER
PHAN, HUY Q

ART UNIT	PAPER NUMBER
2858	

MAIL DATE	DELIVERY MODE
05/04/2011	PAPER

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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**
Jalal HALLAK	**: PARTICIPATE IN THE PATENT**
Application No.: 12/993,286	**: PROSECUTION HIGHWAY**
Filed: 18 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 2008P00561WOUS	**: TO MAKE SPECIAL UNDER**
For: METHOD FOR DETERMINING THE OFFSET OF A PERIODIC SIGNAL	**: 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 20 April 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1), (3), and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirements (2) and (4).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII in the Written Opinion (ISA/237).

Regarding the requirement of condition (4), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. Specifically, PCT claim 3 requires "summation of the signal values detected in the two previous method steps in a first summation" while US claim 8 requires "summing the signal values of the two previous method steps in a first summation with a first summation signal value." US claim 8 appears to sum the first two signals with a third value (the first summation signal value). US claim 8 should be amended to clarify that the first two signals are summed to form the first summation signal value.

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

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:	12/993,307	Filing date:	November 18, 2010
First Named Inventor:	Noriji TASHIRO		
Title of the Invention:	HEAT RADIATION SHEET AND HEAT RADIATION DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/059415

The international date of the corresponding PCT application(s) is/are: MAY 22, 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. Filed with Information Disclosure Statement submitted Feb. 17, 2011. See also PCT/ISA/237 submitted upon originally filing the above-identified US 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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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.:	12/993,307
First Named Inventor:	Noriji TASHIRO

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 18, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 18, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-19	1-12	Claims 1-12 in US application respectively correspond to claims 1-12
		of the corresponding PCT application, but with multiple dependency deleted.
		Claims 13-19 in US application respectively expressly recite subject matter
		expressly set forth in claim 12, but are dependent respectively on
		claims 2, 4, 6-8, 10 and 11.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /William I. Solomon/	Date 03/30/2011
Name (Print/Typed) William I. Solomon	Registration Number 28,565

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.
12/993,307	11/18/2010	Noriji Tashiro	1204.51218X00	4897

20457 7590 03/31/2011
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
03/31/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Commissioner for Patents
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

In re Application of	:	
TASHIRO, NORIJI et al	:	DECISION ON REQUEST TO
Application No. 12/993,307	:	PARTICIPATE IN PATENT
Filed: Nov. 18, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 1204.51218X00	:	PROGRAM AND PETITION
Title: HEAT RADIATION SHEET AND HEAT	:	TO MAKE SPECIAL UNDER
RADIATION 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 30, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

This application will be forwarded and docketed to an examiner for examination commensurate with the petition decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Cheryl Tyler, the SPE of Art Unit 3744, and 571-272-4834 for Class 454/242 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JAN 19 2011

PCT LEGAL ADMINISTRATION

GLOBAL IP SERVICES
7285 W. Eagle Court
Winton CA 95388

In re Application of SHEN	:	DECISION ON
Application No.: 12/993,313	:	
PCT No.: PCT/CN08/01982	:	PETITION TO REVIVE
Int. Filing Date: 08 December 2008	:	
Priority Date: 19 December 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.: FEH-114US	:	
For: MR16 TYPE HIGH POWER LED LAMP		

The petition to revive under 37 CFR 1.137(b) filed 18 November 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 $820 (small entity) has been paid and the basic national fee of $165 was provided. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including the issuance of a Notification of Missing Requirements indicating that the $130 surcharge for filing the declaration and $130 processing fee for filing the English translation of the international application 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED
JAN 18 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
Giraud et al.	:	
Application No.: 12/993,376	:	DECISION
PCT No.: PCT/US2008/086200	:	
Int. Filing Date: 10 December 2008	:	
Priority Date: 12 December 2007	:	
Attorney Docket No.: 19326US02	:	PETITION
For: Dispenser Having Internal Spring Actuation	:	

The petition to revive under 37 CFR 1.137(b) filed on 18 November 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **18 November 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK NY 10038

MAILED
FEB 03 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
SIMON	:	
Application No.: 12/993,391	:	
PCT No.: PCT/EP2009/051158	:	
Filing Date: 02 February 2009	:	PETITION UNDER
Priority Date: 12 February 2008	:	
Attorney's Docket No.: 002705/0181	:	
For: METHOD FOR... AERODYNAMIC PROFILE	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed 18 November 2010.

BACKGROUND

On 02 February 2009, this international application was filed, claiming an earliest priority date of 12 February 2008.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 12 August 2010. This international application became abandoned with respect to the United States at midnight on 12 August 2010 for failure to pay the required basic national fee.

On 18 November 2010, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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23446
MCANDREWS HELD & MALLOY, LTD.
500 West Madison Street
Suite 3400
Chicago, IL 60661

MAILED

JAN 05 2011

PCT LEGAL ADMINISTRATION

In re Application of
GIRAUD *et al*
U.S. Application No.: 12/993,395
PCT No.: PCT/US2008/084850
Int. Filing Date: 26 November 2008
Priority Date: 28 November 2007
Docket No.: 19190US03
For: CYLINDRICAL SPOUT FOR DISPOSABLE CARTONS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 18 November 2010 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 provided.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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:	To be assigned	Filing date:	Concurrently Herewith
First Named Inventor:	Yong Ho SEOK		
Title of the Invention:	Method of Channel Scanning in Wireless Local Area Network System		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/KR2009/006103

The international date of the corresponding PCT application(s) is/are: October 21, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [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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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.:	To be assigned
First Named Inventor:	Yong Ho SEOK

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☒ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒ Are attached.

Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-14	1-14	same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Robert J. Goodell/	Date November 18, 2010
Name (Print/Typed) Robert J. Goodell	Registration Number 41,040

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/993,409	11/18/2010	Yong Ho Seok	002027-5016`	5758

9629 7590 10/17/2011
MORGAN LEWIS & BOCKIUS LLP (WA)
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER
MOORE, IAN N

ART UNIT	PAPER NUMBER
2469	

MAIL DATE	DELIVERY MODE
10/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MORGAN LEWIS & BOCKIUS LLP
(WA)
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of: Yong Ho Seok
Application No. 12993409
Filed: November 18, 2010
Attorney Docket No.: 002027-5016
For: **METHOD OF CHANNEL SCANNING IN WIRELESS LOCAL AREA NETWORK SYSTEM**

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), November 18, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the 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) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and
b. Submit a 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); 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 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

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P.O. Box 1450
Alexandria, VA 22313-1450
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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

OCT 07 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
KOBAYASHI	:	
U.S. Application No.: 12/993,417	:	
PCT No.: PCT/JP2010/055134 (as corrected)	:	
Int. Filing Date: 24 March 2010	:	DECISION ON PETITION
Priority Date: 03 April 2009	:	UNDER 37 CFR 1.182
Attorney Docket No.: S1459.70755US00	:	
For: INFORMATION PROCESSING DEVICE,	:	
INFORMATION PROCESSING	:	
METHOD, AND PROGRAM	:	

This decision is issued in response to applicant's "PETITION UNDER 37 C.F.R. 1.182" filed 13 September 2011 in the United States Patent and Trademark Office (USPTO). The petition seeks to correct the international application number for the national stage application papers electronically filed 18 November 2010, so as to allow such materials to be treated as the U.S. national stage of PCT/JP2010/055134. Applicant has provided payment of the required $400 petition fee.

BACKGROUND

On 29 July 2011, applicant was mailed a communication informing applicant that there was a discrepancy between the international application number keyed into the USPTO's EFS-Web filing system and the international application number listed on the filed documents, i.e. the form PTO-1390 transmittal letter. Applicant was afforded two months to file a petition under 37 CFR 1.182 to correct the error.

On 13 September 2011, applicant filed the petition considered herein.

DISCUSSION

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/JP2010/055134, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

Applicant presently confirms that the correct international application is PCT/JP2010/055134 and the petition further states that the correct international application number was listed on the transmittal letter and Application Data Sheet filed 18 November 2010. Applicant's present submission included the required petition fee to

correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 18 November 2010 and to permit such materials to be treated as having been directed to international application PCT/JP2010/055134.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

The materials filed 18 November 2010 assigned U.S. application number 12/993,417 will be treated as the national stage of PCT/JP2010/055134.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3294

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/993,421	Filing date:	November 18, 2010
First Named Inventor:	Huang, Leaf		
Title of the Invention:	METHODS AND COMPOSITIONS COMPRISING NOVEL CATIONIC LIPIDS		

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/US2009/042476

The international filing date of the corresponding PCT application(s) is/are: 1 May 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/993,421
First Named Inventor:	HUANG, Leaf

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
1-4	1-4	original claims
6, 7, 42	6, 7, 42	amended to update claim dependencies only
43	43	PCT claim 43 referenced canceled claim 5, the element of which has been added to claim 43
46	46	amended to update claim dependency only
47	47	original claim
48	48	amended to update claim dependency and include element from canceled claim 36
51, 53	51, 53	amended to update claim dependencies only
52, 54	52, 54	original claims
58	58	formal amendment only
60, 61	60, 61	amended to update claim dependencies only
64	64	amended to update claim dependency and formal amendment (gerund use in method claim)
69	69	amended to update claim dependency only

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date February 10, 2011
Name (Print/Typed) Christopher P. Perkins	Registration Number 52,111

PATENT COOPERATION TREATY

Alston & Bird
Sam RTA 7/14/09
Received

ALSTON & BIRD LLP
JUL 13 2009
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From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:
ALSTON & BIRD LLP
Attn. Sherk, Andrea B.
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
ETATS-UNIS D'AMERIQUE

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)* 10/07/2009
Applicant's or agent's file reference 35052/371908	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/US2009/042476	International filing date *(day/month/year)* 01/05/2009
Applicant THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL	

1. [x] The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

   Filing of amendments and statement under Article 19:
   The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Fascimile No.: (41-22) 338.82.70

   For more detailed instructions, see the notes on the accompanying sheet.

2. [ ] The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. [ ] **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

   [ ] the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

   [ ] no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

   Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

   Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

   In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

   See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Petronella Elsackers	DOCKETED DUE DATE By SKF Date 7.13.09

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims,description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped),whether

(i) the claim is unchanged;

(ii) the claim is cancelled;

(iii) the claim is new;

(iv) the claim replaces one or more claims as filed;

(v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."

2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."

3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."

4. [Where various kinds of amendments are made]:
"Claims 1–10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1*bis*(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43*bis*.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 35052/371908	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US2009/042476	International filing date *(day/month/year)* 01/05/2009	(Earliest) Priority Date *(day/month/year)* 19/05/2008
Applicant THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

[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

INTE. .ATIONAL SEARCH REPORT

national application No
PCT/US2009/042476

A. CLASSIFICATION OF SUBJECT MATTER
INV. C07C279/10 C07C279/20 A61K31/155 A61P35/00

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)
C07C A61K A61P

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, CHEM ABS Data, BEILSTEIN Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0 846 680 A (HOFFMANN LA ROCHE [CH]) 10 June 1998 (1998-06-10) the whole document -----	1-69
A	BYK G ET AL: "GENETIC CHEMISTRY: TOOLS FOR GENE THERAPY COMING FROM UNEXPECTED DIRECTIONS" DRUG DEVELOPMENT RESEARCH, NEW YORK, NY, US, vol. 50, no. 4/04, 1 January 2000 (2000-01-01), pages 566-572, XP009046314 ISSN: 0272-4391 the whole document -----	

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[X] Further documents are listed in the continuation of Box C.

[X] See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier document but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
6 July 2009	10/07/2009

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	Tabanella, Stefania

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Form PCT/ISA/210 (second sheet) (April 2005)

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	VIGNERON J-P ET AL: "GUANIDINIUM-CHOLESTEROL CATIONIC LIPIDS: EFFICIENT VECTORS FOR THE TRANSFECTION OF EUKARYOTIC CELLS" PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF USA, NATIONAL ACADEMY OF SCIENCE, WASHINGTON, DC., US, vol. 93, no. 18, 3 September 1996 (1996-09-03), pages 9682-9686, XP002030510 ISSN: 0027-8424 the whole document -----	

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/US2009/042476

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 0846680 A	10-06-1998	BR 9705117 A	15-09-1998
		CA 2217550 A1	22-04-1998
		CN 1180697 A	06-05-1998
		JP 10152461 A	09-06-1998

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/US2009/042476	01.05.2009	19.05.2008

International Patent Classification (IPC) or both national classification and IPC
INV. C07C279/10 C07C279/20 A61K31/155 A61P35/00

Applicant
THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	see form PCT/ISA/210	Tabanella, Stefania Telephone No. +31 70 340-9503

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-69
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-69
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-69
	No:	Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

1 Reference is made to the following document:

D1 : EP 0 846 680 A (HOFFMANN LA ROCHE [CH]) 10 June 1998 (1998-06-10)

2 The present application concerns cationic lipids and their use as vehicles for the delivery of therapeutic agents into cells.

3 Document D1 is regarded as closest prior art. It also discloses cationic lipids. The difference between the cationic lipids described in D1 and the ones which constitute the subject-matter of the present application lies in the nature of the compounds disclosed. The effect caused by this difference is unknown, therefore the remaining objective problem underlying the present application is identified in the provision of alternative cationic lipids. Compound 7 (p.15) of D1 in comparison with the compounds falling in the scope of the present application does not possess a substituent Q_1 and an NR_2R_3 group attached to alkyl substituent the amide nitrogen. Since such features are neither described nor suggested in D1 the content of claims 1-69 is regarded as novel and inventive.

Re Item VII.

4 The vague and imprecise statements in the description (see for example p.4 lines 18-25 (spirit of the invention), or p. 9 line 23, p.19 lines 15-16 (incorporation by reference) and p.87 lines 20-25) imply that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.

5 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

Re Item VIII.

6 Claims 42-55 relate to subject-matter considered by this Authority to be covered by the provisions 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.

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

Bitte beachten Sie, dass angeführte Nichtpatentliteratur (wie z. B. wissenschaftliche oder technische Dokumente) je nach geltendem Recht dem Urheberrechtsschutz und/oder anderen Schutzarten für schriftliche Werke unterliegen könnte. Die Vervielfältigung urheberrechtlich geschützter Texte, ihre Verwendung in anderen elektronischen oder gedruckten Publikationen und ihre Weitergabe an Dritte ist ohne ausdrückliche Zustimmung des Rechtsinhabers nicht gestattet.

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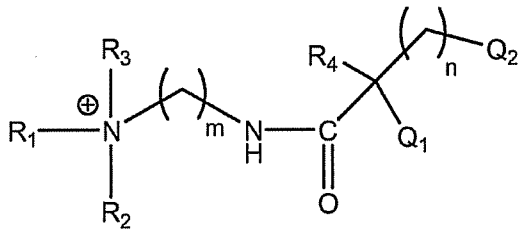
Please be aware that cited works of non-patent literature such as scientific or technical documents or the like may be subject to copyright protection and/or any other protection of written works as appropriate based on applicable laws. Copyrighted texts may not be copied or used in other electronic or printed publications or re-distributed without the express permission of the copyright holder.

XS CPRTENFRDE

BNSDOCID: <XS____2006100103CF_I_>

THAT WHICH IS CLAIMED:

1. A cationic lipid of Formula (I):



(I)

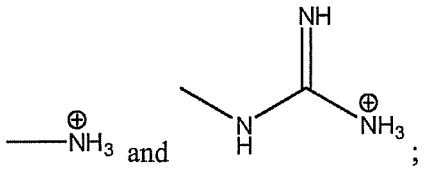
wherein:

m and n are each independently integers from 1 to 8;

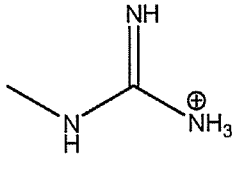
R_1 and R_2 are each independently $-(CH_2)_p—CH_3$, wherein p is an integer from 8 to 24;

R_3 and R_4 are each independently selected from the group consisting of H, alkyl, and substituted alkyl;

Q_1 and Q_2 are selected from the group consisting of:



wherein at least Q1 or Q2 is:



and pharmaceutically acceptable salts thereof.

2. The cationic lipid of claim 1, wherein:

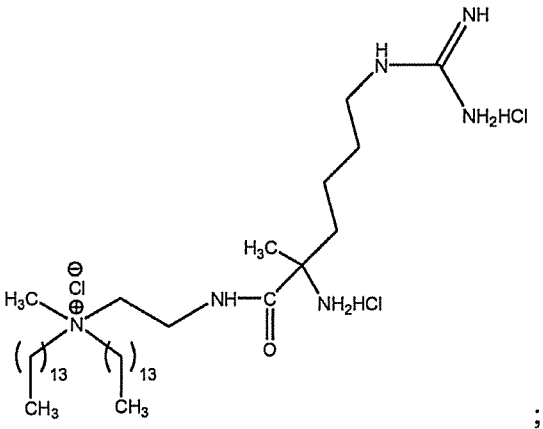
m is 2;

n is 4;

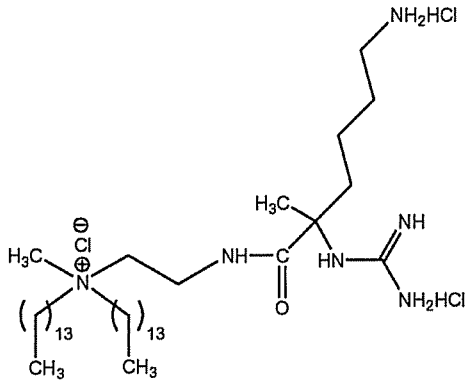
p is 13;

R_3 and R_4 are each methyl; and

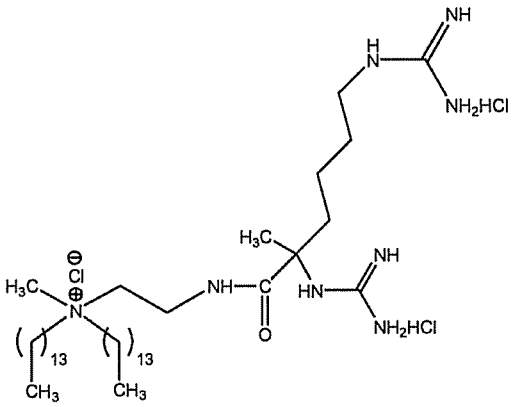
the cationic lipid of formula (I) is selected from the group consisting of:



;



; and



.

3. The cationic lipid of claim 1, wherein:

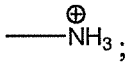
m is 2;

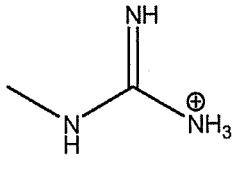
n is 3;

p is 17;

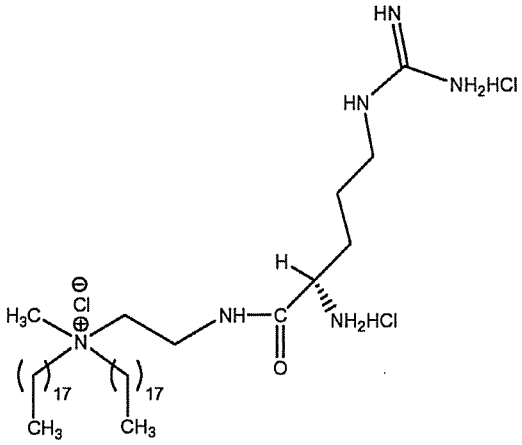
R_3 is H;

R_4 is methyl;

Q_1 is  ;

Q_2 is  ; and

the cationic lipid of formula (I) has the following chemical structure:



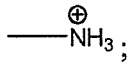
4. The cationic lipid of claim 1, wherein:

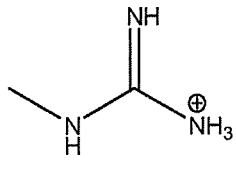
m is 2;

n is 4;

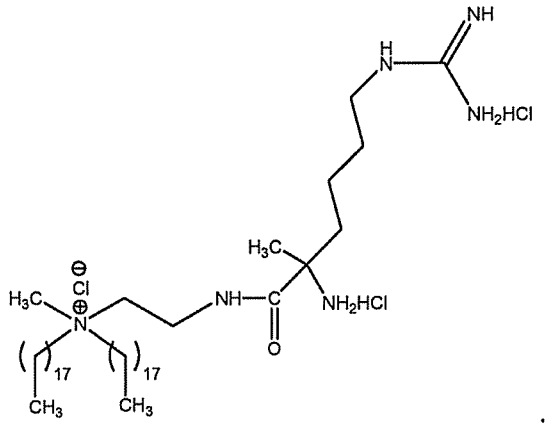
p is 17;

R_3 and R_4 are each methyl;

Q_1 is  ;

Q_2 is  ; and

the cationic lipid of formula (I) has the following chemical structure:



5. The cationic lipid of any one of claims 1-4, wherein said cationic lipid has cytotoxic activity.

6. A pharmaceutical composition comprising a cationic lipid of claim 5 and a pharmaceutically acceptable carrier.

7. A delivery system comprising a lipid vehicle and a bioactive compound, wherein said lipid vehicle encapsulates said bioactive compound, and wherein said lipid vehicle comprises a cationic lipid according to any one of claims 1-5.

8. The delivery system of claim 7, wherein said lipid vehicle comprises a co-lipid.

9. The delivery system of claim 8, wherein said co-lipid comprises cholesterol or dioleoyl-phosphatidylethanolamine (DOPE).

10. The delivery system of claim 7, wherein said lipid vehicle comprises a liposome.

11. The delivery system of claim 10, wherein said liposome comprises a cationic liposome.

12. The delivery system of any one of claims 7-11, further comprising a polycation, wherein said lipid vehicle encapsulates said polycation.

13. The delivery system of claim 12, wherein said polycation comprises a polycationic polypeptide.

14. The delivery system of claim 13, wherein said polycationic polypeptide comprises protamine.

15. The delivery system of any one of claims 7-14, wherein said bioactive compound comprises a cytotoxic bioactive compound.

16. The delivery system of any one of claims 7-14, wherein said bioactive compound comprises a polynucleotide.

17. The delivery system of claim 16, wherein said polynucleotide comprises a silencing element, wherein expression or introduction of said silencing element into a cell reduces the expression of a target polynucleotide or the polypeptide encoded thereby.

18. The delivery system of claim 17, wherein said silencing element comprises an interfering RNA.

19. The delivery system of claim 18, wherein said interfering RNA comprises an siRNA.

20. The delivery system of claim 17, wherein said target polynucleotide comprises an oncogene.

21. The delivery system of claim 20, wherein said oncogene comprises an epidermal growth factor receptor.

22. The delivery system of claim 16, wherein said polynucleotide comprises a coding sequence for a polypeptide of interest.

23. The delivery system of claim 22, wherein said polypeptide of interest comprises a tumor suppressor.

24. The delivery system of any one of claims 7-23, further comprising a polyanionic carrier macromolecule, wherein said polyanionic carrier macromolecule is encapsulated by said lipid vehicle.

25. The delivery system of claim 24, wherein said polyanionic carrier macromolecule comprises a carrier polynucleotide.

26. The delivery system of claim 24, wherein said polyanionic carrier macromolecule comprises a polyanionic carrier polysaccharide, a polyanionic carrier polypeptide, or a combination thereof.

27. The delivery system of claim 26, wherein said polyanionic carrier polysaccharide comprises a glycosaminoglycan.

28. The delivery system of claim 27, wherein said glycosaminoglycan is selected from the group consisting of heparin sulfate, hyaluronic acid, chondroitin sulfate, dermatin sulfate, keratan sulfate, and dextran sulfate.

29. The delivery system of claim 28, wherein said glycosaminoglycan comprises hyaluronic acid.

30. The delivery system of claim 26, wherein said polyanionic carrier polypeptide comprises a poly-glutamic acid or a poly-aspartic acid.

31. The delivery system of any one of claims 7-30, wherein said lipid vehicle comprises an exterior surface, wherein said exterior surface comprises a polyethylene glycol (PEG) molecule.

32. The delivery system of any one of claims 7-31, wherein said lipid vehicle comprises a supported bilayer.

33. The delivery system of claim 31 or 32, wherein said delivery system comprises a stealth delivery system.

34. The delivery system of any one of claims 7-33, wherein said lipid vehicle of said delivery system comprises an exterior surface, wherein said exterior surface comprises a targeting ligand, thereby forming a targeted delivery system, wherein said targeting ligand targets said targeted delivery system to a targeted cell.

35. The delivery system of claim 34, wherein said targeting ligand comprises a benzamide derivative.

36. The delivery system of claim 35, wherein said benzamide derivative comprises anisamide.

37. The delivery system of claim 36, wherein said anisamide (AA) is conjugated to 1,2-distearoyl-*sn*-glycero-3-phosphoethanolamine-N-carboxy-polyethylene glycol (DSPE-PEG), thereby producing DSPE-PEG-AA.

38. The delivery system of any one of claims 34-37, wherein said targeted cell comprises a cancer cell.

39. The delivery system of claim 38, wherein said cancer is selected from the group consisting of a bladder cancer, a brain tumor, a breast cancer, a cervical cancer, a colorectal cancer, an esophageal cancer, an endometrial cancer, a hepatocellular carcinoma, a laryngeal cancer, a lung cancer, an osteosarcoma, an ovarian cancer, a pancreatic cancer, a prostate cancer, a renal cancer, and a thyroid cancer.

40. The delivery system of claim 39, wherein said cancer comprises a lung cancer.

41. A pharmaceutical composition comprising the delivery system according to any one of claims 7-40 and a pharmaceutically acceptable carrier.

42. A method for delivering a bioactive compound to a cell, said method comprising contacting said cell with the delivery system according to any one of claims 7-40.

43. A method for killing a cell, said method comprising contacting said cell with a cationic lipid according to claim 5.

44. A method for killing a cell, said method comprising contacting said cell with the delivery system according to any one of claims 7-40, wherein said cationic lipid has cytotoxic activity.

45. A method for selectively killing a cell, said method comprising contacting said cell with a lipid-targeting ligand conjugate, wherein said lipid-targeting ligand conjugate comprises the cationic lipid of claim 5, and wherein said cationic lipid is physically associated with a targeting ligand.

46. A method for selectively killing a cell, said method comprising contacting said cell with a targeted delivery system, wherein said targeted delivery system comprises a lipid vehicle encapsulating said bioactive compound, wherein said lipid vehicle comprises the cationic lipid of claim 5, wherein said lipid vehicle comprises an exterior surface, and wherein said exterior surface of said lipid vehicle comprises a targeting ligand.

47. The method of claim 46, wherein said bioactive compound comprises a cytotoxic bioactive compound.

48. The method of any one of claims 45-47, wherein said targeting ligand comprises a benzamide derivative.

49. The method of claim 48, wherein said benzamide derivative comprises anisamide.

50. A method for treating cancer in a subject, said method comprising administering to said subject the pharmaceutical composition according to claim 6.

51. A method for treating a disease or unwanted condition in a subject, said method comprising administering to said subject the pharmaceutical composition according to claim 41, wherein said bioactive compound has therapeutic activity against said disease or unwanted condition.

52. The method of claim 51, wherein said disease comprises a cancer.

53. The method of claim 50 or 52, wherein said cancer comprises a lung cancer.

54. A method for enhancing the cytotoxic activity of a cytotoxic bioactive compound in a subject, said method comprising administering to said subject the pharmaceutical composition of claim 6 and said cytotoxic bioactive compound.

55. A method for enhancing the cytotoxic activity of a cytotoxic bioactive compound in a subject, said method comprising administering the pharmaceutical composition of claim 41 to said subject, wherein said cationic lipid and said bioactive compound of said delivery system have cytotoxic activity.

56. A method for making a cytotoxic delivery system comprising a lipid vehicle and a bioactive compound, wherein said lipid vehicle encapsulates said bioactive compound, said method comprising mixing a lipid vehicle comprising the cationic lipid according to claim 5 with a bioactive compound, thereby forming said cytotoxic delivery system.

57. The method of claim 56, wherein said bioactive compound comprises a cytotoxic bioactive compound.

58. A method for making a cytotoxic polynucleotide delivery system comprising a lipid vehicle encapsulating a polycation and a polynucleotide, said method comprising the steps of:

a) mixing a polynucleotide and a polycation, thereby forming a polynucleotide/polycation solution; and

b) mixing a lipid vehicle comprising the cationic lipid according to claim 5 with said polynucleotide/polycation solution, thereby forming said cytotoxic delivery system.

59. A method for making a cytotoxic polynucleotide delivery system comprising a lipid vehicle encapsulating a polycation and a polynucleotide, said method comprising the steps of:

a) mixing a lipid vehicle comprising the cationic lipid according to claim 5 and a polycation, thereby forming a lipid vehicle/polycation solution; and

b) mixing said lipid vehicle/polycation solution with a polynucleotide, thereby forming said cytotoxic delivery system.

60. The method of claim 58 or 59, wherein said polynucleotide comprises a cytotoxic polynucleotide.

61. The method of claim 58 or 59, wherein step b) produces a lipid vehicle comprising a core supported bilayer.

62. The method of any one of claims 56-61, wherein said lipid vehicle comprises a liposome.

63. The method of claim 62, wherein said liposome comprises a cationic liposome.

64. The method of any one of claims 56-63, further comprising a post-insertion step, wherein at least one of a lipid-targeting ligand conjugate and a lipid-PEG conjugate is post-inserted into said lipid vehicle, wherein said post-insertion step is performed after forming said delivery system or said polynucleotide delivery system.

65. The method of claim 64, wherein said cytotoxic delivery system or said cytotoxic polynucleotide delivery system comprises a stealth cytotoxic delivery system or a stealth cytotoxic polynucleotide delivery system.

66. The method of claim 64 or 65, wherein said post-insertion step comprises incubating said delivery system or said polynucleotide delivery system with a lipid-PEG conjugate at a concentration of about 5 to about 20 mol%.

67. The method of claim 66, wherein said concentration of said lipid-PEG conjugate comprises about 10 mol%.

68. The method of any one of claims 64-67, wherein said lipid-PEG conjugate comprises a PEG molecule having a molecular weight of about 2000 g/mol.

69. The method of claim 68, wherein said lipid-PEG conjugate comprises a 1,2-distearoyl-*sn*-glycero-3-phosphoethanolamine-N-carboxy-polyethylene glycol$_{2000}$ (DSPE-PEG$_{2000}$).

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.
12/993,421	02/01/2011	Leaf Huang	421/274 PCT/US	5861

25297 7590 05/10/2011
JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 Tower Blvd.
Suite 1200
DURHAM, NC 27707

EXAMINER

ART UNIT	PAPER NUMBER
1615	

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
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MAY 10 2011

JENKINS, WILSON, TAYLOR & HUNT, P.A.
3100 TOWER BLVD.
SUITE 1200
DURHAM, NC 27707

In re Application of	:	DECISION ON REQUEST TO
HUANG ETAL.	:	PARTICIPATE IN PATENT
Application No. 12/993,421	:	PROSECUTION HIGHWAY
Filed: February 1, 2011	:	PROGRAM AND PETITION
Attorney Docket No. 421/274 PCT/US	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed February 10, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in the PCT-PPH program and petition to make special require:

(1) The U.S. application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national stage application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application;
(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application;
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language;
(6) Applicant must submit the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product

of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an IDS listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH program and petition fails to comply with the requirement because:

Claim 46, which depends on cancelled claim 12, does not sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

In addition, an observation is described in Box VIII of the WO/ISA for claims 42-55 of the PCT application. Applicant has not identified and explained why the claims are not subject to any observation described in Box VIII. This action must be taken irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Huang *et al.* Group Art Unit: [To be assigned]

Serial No.: 12/993,421 Examiner: [To be assigned]

Filed: February 1, 2011 Docket No.: 421/274 PCT/US

For: METHODS AND COMPOSITIONS COMPRISING NOVEL CATIONIC LIPIDS

* *

RENEWED REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is being filed in response to a DECISION ON REQUEST TO PARTICIPATE IN THE PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a) dated May 10, 2011, for which a filing deadline of June 10, 2011 was set. Although no fee is believed to be due, the Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-0426**.

In support of the instant RENEWED REQUEST, applicants hereby submit the following:

1. United States Patent and Trademark Office Form PTO/SB/20PCT-EP;
2. A copy of the International Search Report for the corresponding PCT Application, PCT/US2009/042476;

3. A copy of original claims 1-69 of PCT/US2009/042476, all of which were indicated as having novelty, inventive step, and industrial applicability in PCT/US2009/042476;
4. An ADDENDUM TO REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE United States Patent and Trademark Office; and
5. a Second Preliminary Amendment.

REMARKS

Applicant filed an initial REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO AND PETITION TO MAKE SPECIAL on February 10, 2011 (hereinafter the "February 2011 Request and Petition") with certain supporting documentation. On May 10, 2011, the United States Patent and Trademark Office (hereinafter "the Patent Office") mailed a Decision on Request to Participate in Patent Prosecution Highway Program (hereinafter the "Decision") in which applicants' February 2011 Request and Petition were denied.

Applicants hereby submit a RENEWED REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO AND PETITION TO MAKE SPECIAL, with the above identified supporting documentation. Please note that an Information Disclosure Statement (IDS) and copies of all documents other than U.S. patents or U.S. patent application publications was submitted on February 10, 2011 along with the February 2011 Request and Petition, and thus are not being resubmitted herewith.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: June 10, 2011

By: _____

Christopher P. Perkins
Registration No. 52,111
Customer No. 25297
(919) 493-8000

CPP/dbp

PTO/SB/20PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/993,421	Filing date:	November 18, 2010
First Named Inventor:	Huang, Leaf		
Title of the Invention:	METHODS AND COMPOSITIONS COMPRISING NOVEL CATIONIC LIPIDS		

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/US2009/042476

The international filing date of the corresponding PCT application(s) is/are: 1 MAY 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [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 EPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on February 10, 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 10, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-4	1-4	Original Claims
6,7,42	6,7,42	Amended to update claim dependencies
43	43	PCT claim 43 referenced canceled claim 5, the elements of which has been added to claim 43
46	46	Amended to update claim dependency and to recite element recited in canceled intervening claim
47	47	Original claim
48	48	Amended to update claim dependency and include element from canceled claim 36
51,53	51,53	Amended to update claim dependencies
52,54	52,54	Original claims
58	58	Formal amendment
60,61	60,61	Amended to update claim dependencies
64	64	Amended to update claim dependency and formal amendment (gerund use in method claim)
69	69	Amended to update claim dependency

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date June 10, 2011
Name (Print/Typed) Christopher P. Perkins	Registration Number 52,111

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Huang *et al.* Group Art Unit: [To be assigned]

Serial No.: 12/993,421 Examiner: [To be assigned]

Filed: February 1, 2011 Docket No.: 421/274 PCT/US

For: METHODS AND COMPOSITIONS COMPRISING NOVEL CATIONIC LIPIDS

* *

ADDENDUM TO REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please consider the following remarks in support of a Renewed REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO, which has a filing deadline of June 10, 2011. Although no fee is believed to be due, the Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-0426**.

REMARKS

Applicant filed an initial REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO AND PETITION TO MAKE SPECIAL on February 10, 2011 (hereinafter the "February 2011 Request and Petition") with certain supporting documentation. On May 10, 2011, the United States Patent and Trademark Office (hereinafter "the Patent Office") mailed a Decision on Request to Participate in Patent Prosecution Highway Program (hereinafter the "Decision") in which applicants' February 2011 Request and Petition were denied. Two bases were provided in the Decision:

(1) claim 46 depended from a canceled claim, and thus allegedly did not "sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application"; and

(2) an observation was described in Box VIII of the WO/ISA for claims 42-55 of the corresponding PCT application, and applicant did not identify and explain why the claims are not subject to any observation described in Box VIII.

I. Correspondence of Claim 46 to a Claim Indicated as having Novelty, Inventive Step, and Industrial Applicability

Applicants submit herewith a Second Preliminary Amendment in which claim 46 has been amended to depend from claim 1, the claim from which the previously canceled claim recited in claim 46 had ultimately depended. Claim 46 has also been amended to include the element recited in original claim 5, which is the claim from which original claim 46 initially depended.

As such, it is believed that since claim 46 now depends from claim 1, it sufficiently corresponds to original claim 46 of the PCT Application, which was indicated in the International Search report (ISR) of the corresponding PCT Application as having novelty, inventive step and industrial applicability.

II. Discussion of Box VIII Observation

Original PCT claims 42-55 were subject to a Box VIII observation, which stated the following:

> Claims 42-55 relate to subject-matter considered by this Authority to be covered by the provisions 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.

Applicants respectfully submit that the Box VIII observation is not relevant to the examination of the instant claims by the United States Patent and Trademark Office because, contrary to the European Patent Office (EPO), the United States Patent and Trademark Office does not exclude the subject matter of these claims from patentability. Thus, applicants respectfully submit that the Box VIII observation is believed to be moot as it relates to instantly pending claims 42, 43, 46-48, and 51-54.

Furthermore, it is noted that instantly pending claims 42, 43, 46-48, and 51-54 are methods claims that each recites at least one composition that corresponds to the subject matter of a claim that the ISR of the corresponding PCT Application indicated as having novelty, inventive step and industrial applicability. For example, claim 42 recites the "delivery system according to claim 7". Claims 43 and 46-48 all recite a "cationic lipid according to claim 1". And claims 51-54 all recite the "pharmaceutical composition according to claim 6". The ISR of the corresponding PCT Application indicated that each of claims 1, 6, and 7 have novelty, inventive step and industrial applicability. Given that it is believed that under current U.S. patent law the <u>use</u> of a novel and non-obvious composition is itself *per se* novel and non-obvious, applicants respectfully submit that for this additional reason, it is believed that the Box VIII observation is not relevant to the examination of the instant claims by the United States Patent and Trademark Office.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: June 10, 2011

By: _____

Christopher P. Perkins
Registration No. 52,111
Customer No. 25297
(919) 493-8000

CPP/dbp

UNITED STATES 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 23 2011

PCT LEGAL ADMINISTRATION

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of	:	
OBERDOERFER et al.	:	
Application No.: 12/993,429	:	DECISION
PCT No.: PCT/EP2009/054102	:	
International Filing Date: 06 April 2009	:	
Priority Date: 11 April 2008	:	
Attorney Docket No.: BAW0122US	:	
For: METHOD FOR THE DESTRUCTIVE TESTING	:	
OF A TEST OBJECT BY WAY OF ULTRASOUND	:	
AND CORRESPONDING DEVICE	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 18 November 2010.

BACKGROUND

On 06 April 2009, applicants filed international application PCT/EP2009/054102 which designated the U.S. and claimed a priority date of 11 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 at midnight on 12 October 2010 (11 October 2010 being a Federal holiday).

On 18 November 2010, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition to revive under 37 CFR 1.137(b).

On 19 November 2010, applicants filed a declaration of inventors.

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 18 November 2010.

As to item (2), the petition fee was paid on 18 November 2010.

As to item (3), a statement from the party or parties whose delay is at issue must be provided. Here, it is not clear that the statement is from the relevant party. One of the inventors has signed and a person named Manfred Grimm, whose relationship to the instant application has not been explained, has also signed. Attention is directed to MPEP § 711.03(c), page 700-214, item E. (Rev. 6, Sept. 2007) for determining the party whose delay is relevant.

Declaration of Inventors

The declaration of inventors filed 19 November 2010 is not in compliance with 37 CFR 1.497(a)-(b) because the specification has not been adequately identified. The declaration executes the specification "attached hereto". However, no specification is attached thereto. See MPEP § 602. Item VI, for proper identification of the specification.

CONCLUSION

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice, for the reasons set forth above.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
PCT Legal Affairs

Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

JUL 19 2011

PCT LEGAL ADMINISTRATION

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of	:	
OBERDOERFER et al.	:	
Application No.: 12/993,429	:	DECISION
PCT No.: PCT/EP2009/054102	:	
International Filing Date: 06 April 2009	:	
Priority Date: 11 April 2008	:	
Attorney Docket No.: BAW0122US	:	
For: METHOD FOR THE DESTRUCTIVE TESTING	:	
OF A TEST OBJECT BY WAY OF ULTRASOUND	:	
AND CORRESPONDING DEVICE	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 23 May 2011.

BACKGROUND

On 06 April 2009, applicants filed international application PCT/EP2009/054102 which designated the U.S. and claimed a priority date of 11 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 at midnight on 12 October 2010 (11 October 2010 being a Federal holiday).

On 18 November 2010, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition to revive under 37 CFR 1.137(b).

On 19 November 2010, applicants filed a declaration of inventors.

On 23 March 2011, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.137(b).

On 23 May 2011, applicants filed the instant renewed petition under 37 CFR 1.137(b) which was accompanied by, *inter alia*, a new declaration of inventors.

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 18 November 2010.

As to item (2), the petition fee was paid on 18 November 2010.

As to item (3), the requisite statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventors filed 23 May 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

23715
Diana Houston
SMITH & NEPHEW, INC.
1450 Brooks Road
Memphis, TN 38116

MAILED

APR 28 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SHEA *et al* :
U.S. Application No.: 12/993,445 :
PCT No.: PCT/US2009/045314 :
Int. Filing Date: 27 May 2009 :
Priority Date: 27 May 2008 :
Docket No.: PT-3544-US-PCT :
For: CUP SHEATH TO PREVENT SOFT :
TISSUE IMPINGEMENT :

DECISION

This is a decision on the petition to correct an inventor's name filed 17 February 2011 which is treated as a petition under 37 CFR 1.182.

BACKGROUND

On 17 December 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) stating 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 17 February 2011, applicants filed the subject petition which was accompanied by, *inter alia*, an executed declaration, an Application Data Sheet (ADS), a $130.00 surcharge fee, and authorization to charge any required fee to Deposit Account No. 19-2563.

DISCUSSION

Applicants request to correct an inventor's name to Russell (NMI) WALTER under the provisions of 37 CFR 1.48.

Applicants included an ADS with the national stage papers listing the second named inventor as Walter (NMI) RUSSELL. A review of the international papers shows that the inventor was also incorrectly listed on the PCT Request as Walter RUSSELL. There was no change in the inventor's name made in the international application pursuant to PCT Rule 92 *bis*.

Accordingly, this is treated as a petition under 37 CFR 1.182 to correct a discrepancy in the name of an inventor in the international application. The $400.00 petition fee has been charged to Deposit Account No. 19-2563 as authorized.

In the subject petition, applicants state that the correct name of the inventor is Russell (NMI) WALTER. Applicants provided a new ADS and executed declaration listing the name as such. This is sufficient for a grantable petition.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The name of the second inventor is Russell (NMI) WALTER.

The declaration submitted on 17 February 2011 is in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

PTO/SB/20PCT-JP (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 JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	Not yet Assigned	Filing date:	Filed Herewith
First Named Inventor:	Tomoaki UEDA		
Title of the Invention:	INFORMATION PROCESSING APPARATUS, SERVER-CLIENT SYSTEM, AND COMPUTER PROGRAM PRODUCT		

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/JP2010/004683

The international date of the corresponding PCT application(s) is/are: July 21, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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.:	Not yet Assigned
First Named Inventor:	Tomoaki UEDA

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	
2	2	
3	3	
4	4	
5	5	
6	6	
7	7	
8	8	
9	9	
10	10	
11	11	
12	12	
13	13	
14	14	
15	15	
16	16	
17	17	
18	18	
19	19	
20	20	

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 CM Tanner	Date Nov 18, 2010
Name (Print/Typed) Christopher M. Tanner	Registration Number 41,518

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:	12/993,483	Filing date:	11/19/2010
First Named Inventor:	David R. Arnold		
Title of the Invention:	INFLATABLE SEAT BELT SYSTEM		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/047986

The international date of the corresponding PCT application(s) is/are: June 19, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

(continued)

Application No.:	12/993,483
First Named Inventor:	David R. Arnold

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [x] Is attached
- [x] Has already been filed in the above-identified U.S. application on December 13, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [ ] Are attached.
- [x] Have already been filed in the above-identified U.S. application on December 13, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-21	1-21	The U.S. claims are the same as the claims in the PCT Article 34 amendment

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Kevin J. Heinl/	Date September 23, 2011
Name (Print/Typed) Kevin J. Heinl	Registration Number 29805

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

MAILED
JAN 30 2012
OFFICE OF PETITIONS

In re Application of	**: DECISION ON REQUEST TO**
David R. ARNOLD et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/993,483	**: PROSECUTION HIGHWAY**
Filed: September 19, 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 83171307	**: TO MAKE SPECIAL UNDER**
For: INFLATABLE SEAT BELT SYSTEM	**: 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 September 23, 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.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Thurman K. Page
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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.: 1163-0844PUS1

Application No:	12/993,515	Filing date:	November 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/JP2009/002039

The international date of the corresponding PCT application(s) is/are: May 5, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [✔] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [✔] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/993,515
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 November 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 November 19, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claim 1	Claim 1	US Claim 1 sufficiently corresponds to JP Claim 1
Claim 2	Claim 2	US Claim 2 sufficiently corresponds to JP Claim 2

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date July 21, 2011
Name (Print/Typed) Michael K. Mutter	Registration Number 29680

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 571586WO01	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/002039	11.05.2009	04.07.2008

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/JP2009/002039

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/JP2009/002039

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, 2	YES
	Claims		NO
Inventive step (IS)	Claims	1, 2	YES
	Claims		NO
Industrial applicability (IA)	Claims	1, 2	YES
	Claims		NO

2. Citations and explanations:

The invention as in claims 1 and 2 is novel and involves an inventive step.

None of the documents cited in the ISR describes the configuration wherein the numbers of alternative stations for each PI code are compared, the PI code having the largest number of alternative stations is determined, and frequency sweep is carried out for all of the alternative stations that can be identified by the determined PI code; and the foregoing would not be obvious to a person skilled in the art.

(12) 特許協力条約に基づいて公開された国際出願

(19) 世界知的所有権機関
国際事務局

(43) 国際公開日
2010年1月7日(07.01.2010)

PCT

(10) 国際公開番号
WO 2010/001521 A1

(51) 国際特許分類:
H04B 1/16 (2006.01) *H03J 7/18* (2006.01)
G08G 1/09 (2006.01)

(21) 国際出願番号: PCT/JP2009/002039

(22) 国際出願日: 2009年5月11日(11.05.2009)

(25) 国際出願の言語: 日本語

(26) 国際公開の言語: 日本語

(30) 優先権データ:
特願2008-175705 2008年7月4日(04.07.2008) JP

(71) 出願人 (米国を除く全ての指定国について): 三菱電機株式会社 (Mitsubishi Electric Corporation) [JP/JP]; 〒1008310 東京都千代田区丸の内二丁目7番3号 Tokyo (JP).

(72) 発明者; および
(75) 発明者/出願人 (米国についてのみ): 中田和宏 (NAKATA, Kazuhiro) [—/JP]; 〒1008310 東京都千代田区丸の内二丁目7番3号 三菱電機株式会社内 Tokyo (JP).

(74) 代理人: 田澤英昭, 外 (TAZAWA, Hideaki et al.); 〒1000014 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 Tokyo (JP).

(81) 指定国 (表示のない限り、全ての種類の国内保護が可能): AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

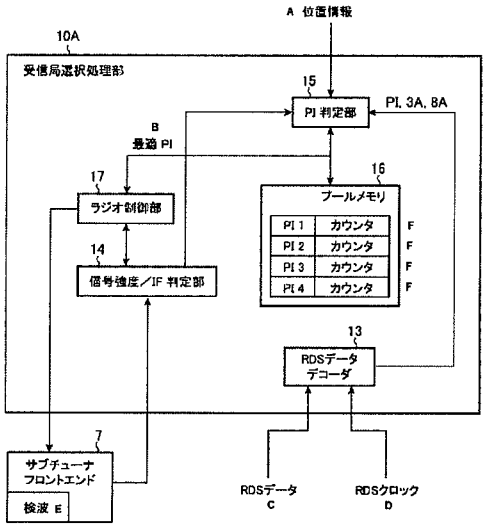
(84) 指定国 (表示のない限り、全ての種類の広域保護が可能): ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), ユーラシア

[続葉有]

(54) Title: RECEPTION DEVICE

(54) 発明の名称: 受信装置

[図2]



A POSITION INFORMATION
B OPTIMAL PI
C RDS DATA
D RDS CLOCK
E DETECTION
10A RECEPTION STATION SELECTION PROCESS UNIT
15 PI JUDGMENT UNIT
17 RADIO CONTROL UNIT
14 SIGNAL INTENSITY/IF JUDGMENT UNIT
16 POOL MEMORY
F COUNTER
13 RDS DATA DECODER
7 SUB TUNER FRONT END

(57) Abstract: RDS data from a broadcast station searched by frequency sweep by a sub tuner front end (7) is used to judge RDS data containing traffic information matched with a local vehicle position. A frequency of an alternative station identified by a PI code of the RDS data and the number of the alternative stations are registered in a pool memory (16). The number of alternative stations for each of PI codes registered in the pool memory (16) within the frequency sweep range are compared to decide the PI code having the largest number of alternative stations. Traffic information is received from a station having the highest reception field intensity among all the alternative stations identified by the decided PI code.

(57) 要約: サブチューナフロントエンド7で周波数を掃引して探索した放送局のＲＤＳデータから自車位置に合致する交通情報を含むＲＤＳデータを判別して、当該ＲＤＳデータのＰＩコードで識別される代替局の周波数及び代替局数をプールメモリ１６に登録してゆき、周波数の掃引範囲内でプールメモリ１６に登録されたＰＩコードごとの代替局数を比較して代替局数が最も多いＰＩコードを決定し、決定されたＰＩコードで識別される全ての代替局のうち、受信電界強度が最も高い局から交通情報を受信する。

WO 2010/001521 A1

(AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), ヨーロッパ (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

添付公開書類:

— 国際調査報告（条約第 21 条(3)）

INTERNATIONAL SEARCH REPORT

International application No.
PCT/JP2009/002039

A. CLASSIFICATION OF SUBJECT MATTER
H04B1/16(2006.01)i, *G08G1/09*(2006.01)i, *H03J7/18*(2006.01)i

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
H04B1/16, G08G1/09, H03J7/18

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Jitsuyo Shinan Koho	1922-1996	Jitsuyo Shinan Toroku Koho	1996-2009
Kokai Jitsuyo Shinan Koho	1971-2009	Toroku Jitsuyo Shinan Koho	1994-2009

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 2002-64391 A (Alpine Electronics, Inc.), 28 February, 2002 (28.02.02), Par. Nos. [0023] to [0028] (Family: none)	1,2
A	JP 11-251944 A (Clarion Co., Ltd.), 17 September, 1999 (17.09.99), Par. Nos. [0010] to [0013], [0026] (Family: none)	1,2
A	JP 02-105731 A (Pioneer Corp.), 18 April, 1990 (18.04.90), Page 3, lower right column, line 15 to page 4, upper right column, line 7; Fig. 2 & DE 3934314 A	1,2

☐ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search 05 June, 2009 (05.06.09)	Date of mailing of the international search report 16 June, 2009 (16.06.09)
Name and mailing address of the ISA/ Japanese Patent Office Facsimile No.	Authorized officer Telephone No.

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.
12/993,515	11/19/2010	Kazuhiro Nakata	1163-0844PUS1	6767

2292 7590 08/03/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
URBAN, EDWARD F

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
08/03/2011	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):

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.: 12/993,515	**: PROSECUTION HIGHWAY**
Filed: 19 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 1163-0844PUS1	**: 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 21 July 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-2), (5), and (7-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (3) and (6).

Regarding the requirement of condition (3), applicant has failed to submit a translation of the claims from the PCT applications that have novelty, inventive step, and industrial applicability along with a statement that the English translation is accurate.

Regarding the requirement of condition (4), it cannot be determined if requirement (4) has been met since requirement (3) has not been met.

Regarding the requirement of condition (6), applicant has failed to submit a Japanese language copy of the Written Opinion (PCT/ISA/237).

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

Docket No.: 1163-0844PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:	Kazuhiro NAKATA		
Application No.:	12/993,515	Confirmation No.:	6767
Filed:	November 19, 2010	Art Unit: 2618	
For: RECEIVING APPARATUS		Examiner: E.F. URBAN	

L E T T E R REQUESTING RECONSIDERATION OF THE DECISION TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(D)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A decision to dismiss the Request to Participate in the Patent Prosecution Highway in the above-identified application was rendered on August 3, 2011 based on the failure to provide a Copy of claims from PCT Application No. PCT/JP2009/002039 along with an English language certified translation and a copy of the Japanese language Written Opinion. Attached please find a copy of the claims from the PCT Application No. PCT/JP2009/002039 along with an English language certified translation and a copy of the Japanese Written Opinion.

In view of the submission of the above documents, reconsideration of the denial of participation in the PPH program is earnestly requested.

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: September 14, 2011

Respectfully submitted,

By _____

Michael K. Mutter
Registration No.: 29680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachments – Decision on Request to Participate in Patent Prosecution High

– Certification of Translation of English language claims from PCT Application No. PCT/JP2009/002039
– Copy of Japanese Language Written Opinion

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.
12/993,515	11/19/2010	Kazuhiro Nakata	1163-0844PUS1	6767

2292 7590 08/03/2011
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EXAMINER
URBAN, EDWARD F

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
08/03/2011	ELECTRONIC

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mailroom@bskb.com

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PO BOX 747
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In re Application of	**: DECISION ON REQUEST TO**
Kazuhiro NAKATA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/993,515	**: PROSECUTION HIGHWAY**
Filed: 19 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 1163-0844PUS1	**: 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 21 July 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-2), (5), and (7-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (3) and (6).

Regarding the requirement of condition (3), applicant has failed to submit a translation of the claims from the PCT applications that have novelty, inventive step, and industrial applicability along with a statement that the English translation is accurate.

Regarding the requirement of condition (4), it cannot be determined if requirement (4) has been met since requirement (3) has not been met.

Regarding the requirement of condition (6), applicant has failed to submit a Japanese language copy of the Written Opinion (PCT/ISA/237).

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

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.: 1163-0844PUS1

Application No:	12/993,515	Filing date:	November 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/JP2009/002039

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.:	12/993,515
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 November 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 November 19, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claim 1	Claim 1	US Claim 1 sufficiently corresponds to JP Claim 1
Claim 2	Claim 2	US Claim 2 sufficiently corresponds to JP Claim 2

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date September 14, 2011
Name (Print/Typed) Michael K. Mutter	Registration Number 29680

S T A T E M E N T

International Application No.PCT/JP2009/002039

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/JP2009/002039 which was filed on May 11, 2009.

And I make this solemn declaration conscientiously believing the same to be true.

This 14th day of September, 2011

Hideaki TAZAWA

1. A receiving apparatus having a position detecting unit for detecting its own position, a first receiving system for reproducing radio sound by receiving a broadcast signal from a broadcasting station, and a second receiving system for receiving RDS (Radio Data System) data in the broadcast signal, wherein the second receiving system comprises:

an RDS demodulating unit for demodulating the RDS data in the broadcast signal;

a decoder unit for reproducing from the RDS data a PI (Program Identification) code for identifying a broadcasting station and a region code of the broadcasting station;

a memory unit for storing frequencies of alternative stations identified by a same PI code and the number of the alternative stations for each PI code;

a PI decision unit for discriminating, from the RDS data of the broadcasting station searched for by frequency sweeping, the RDS data containing traffic information about the region code corresponding to the position information detected by the position detecting unit, for storing step by step into the memory unit frequencies of the alternative stations and the number of the alternative stations identified by each PI code of the RDS data, and for determining the PI code with the greatest number of the alternative stations by comparing the numbers of the alternative stations for individual PI codes stored in the memory unit in a frequency sweeping range; and

a radio control unit for sweeping all the frequencies of the alternative stations identified by the PI code determined by the PI decision unit, and for receiving the traffic information from a station with the highest received electric field strength.

2. The receiving apparatus according to claim 1, wherein

the radio control unit searches for a new broadcasting station when a prescribed update time period has elapsed from a start of receiving the traffic information or when the received electric field strength of the broadcast signal containing the traffic information becomes less than a permissible level; and

the PI decision unit updates storage contents of the memory unit by using the RDS data of the broadcasting station searched for, and determines a PI code with the greatest number of the alternative stations anew.

【請求項１】
自身の位置を検出する位置検出部と、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、
前記放送信号中のＲＤＳデータを復調するＲＤＳ復調部と、
前記ＲＤＳデータから、放送局を識別するＰＩ（Program Identification）コード及び当該放送局の地域コードを再生するデコード部と、
同一のＰＩコードで識別される代替局の周波数及び代替局数がＰＩコードごとに登録されたメモリ部と、
周波数を挿引して探索した放送局のＲＤＳデータから、前記位置検出部で検出された自身の位置情報に合致する地域コードの交通情報を含むＲＤＳデータを判別して、当該ＲＤＳデータのＰＩコードで識別される代替局の周波数及び代替局数を前記メモリ部に登録してゆき、前記周波数の挿引範囲で前記メモリ部に登録されたＰＩコードごとの代替局数を比較して代替局数が最も多いＰＩコードを決定するＰＩ判定部と、
前記ＰＩ判定部により決定されたＰＩコードで識別される全ての代替局の周波数を挿引し、受信電界強度が最も高い局から交通情報を受信するラジオ制御部とを備えたことを特徴とする受信装置。
【請求項２】
ラジオ制御部は、交通情報の受信開始から所定の更新時間が経過したか、若しくは交通情報を含む放送信号の受信電界強度が許容値未満になると、放送局を新たに探索し、
ＰＩ判定部は、前記探索された放送局のＲＤＳデータを用いてメモリ部の登録内容を更新し、代替局数が最も多いＰＩコードを新たに決定することを特徴とする請求項１記載の受信装置。

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)*	
Applicant's or agent's file reference 571586WO01	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/002039	11.05.2009	04.07.2008

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/JP2009/002039

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/JP2009/002039

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, 2	YES
	Claims		NO
Inventive step (IS)	Claims	1, 2	YES
	Claims		NO
Industrial applicability (IA)	Claims	1, 2	YES
	Claims		NO

2. Citations and explanations:

The invention as in claims 1 and 2 is novel and involves an inventive step.

None of the documents cited in the ISR describes the configuration wherein the numbers of alternative stations for each PI code are compared, the PI code having the largest number of alternative stations is determined, and frequency sweep is carried out for all of the alternative stations that can be identified by the determined PI code; and the foregoing would not be obvious to a person skilled in the art.

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)	１６．０６．２００９
出願人又は代理人 の書類記号　571586W001	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／ＪＰ２００９／００２０３９	(日.月.年)　１１．０５．２００９	(日.月.年)　０４．０７．２００８

国際特許分類（ＩＰＣ）Int.Cl. H04B1/16(2006.01)i, G08G1/09(2006.01)i, H03J7/18(2006.01)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
０５．０６．２００９

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 原田　聖子 電話番号　０３－３５８１－１１０１　内線　３５７６	５Ｗ	３３６０

様式ＰＣＴ／ＩＳＡ／２３７（表紙）（２００７年４月）

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００９／００２０３９

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／ＪＰ２００９／００２０３９

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	1,2	有
	請求項		無
進歩性（ＩＳ）	請求項	1,2	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1,2	有
	請求項		無

２．　文献及び説明

請求項１，２に係る発明は新規性及び進歩性を有する。

ＰＩコードごとの代替局数を比較して、代替局数が最も多いＰＩコードを決定し、決定されたＰＩコードで識別される全ての代替局の周波数を挿引する点は、国際調査報告で引用したいずれの文献にも記載されておらず、また当業者にとって自明でない。

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
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〔ＰＣＴ規則 43 の 2.1〕

発送日 （日.月.年）	１６．０６．２００９
出願人又は代理人 の書類記号　571586W001	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／ＪＰ２００９／００２０３９	（日.月.年）　１１．０５．２００９	（日.月.年）　０４．０７．２００８

国際特許分類（ＩＰＣ）Int.Cl. H04B1/16(2006.01)i, G08G1/09(2006.01)i, H03J7/18(2006.01)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
０５．０６．２００９

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 原田　聖子 電話番号　０３－３５８１－１１０１　内線　３５７６	５Ｗ	３３６０

様式ＰＣＴ／ＩＳＡ／２３７（表紙）（２００７年４月）

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００９／００２０３９

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／ＪＰ２００９／００２０３９

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	1,2	有
	請求項		無
進歩性（ＩＳ）	請求項	1,2	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1,2	有
	請求項		無

2. 文献及び説明

請求項1，2に係る発明は新規性及び進歩性を有する。

ＰＩコードごとの代替局数を比較して、代替局数が最も多いＰＩコードを決定し、決定されたＰＩコードで識別される全ての代替局の周波数を挿引する点は、国際調査報告で引用したいずれの文献にも記載されておらず、また当業者にとって自明でない。

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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.
12/993,515	11/19/2010	Kazuhiro Nakata	1163-0844PUS1	6767

2292 7590 09/23/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
NGUYEN, SIMON

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
09/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	**: DECISION ON REQUEST TO**
Kazuhiro NAKATA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/993,515	**: PROSECUTION HIGHWAY**
Filed: 19 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 1163-0844PUS1	**: 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 21 July 2011 and renewed 14 September 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.

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
Quality Assurance Specialist
Technology Center 2600

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NOV 23 2011

OFFICE OF PETITIONS

CURATOLO SIDOTI CO., LPA
24500 CENTER RIDGE ROAD, SUITE 280
CLEVELAND OH 44145

Applicants: Bernhard Tewes, et al.
Appl. No.: 12/993,517
International Filing Date: May 20, 2009
Title: METHOD FOR CHARACTERISING THE BIOLOGICAL ACTIVITY OF HELMINTH EGGS, IN PARTICULAR TRICHURIS EGGS
Attorney Docket: LAK.P09-056106
Pub. No.: US 20110191869 A1
Pub. Date: August 4, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 26, 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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Commissioner for Patents
United States Patent and Trademark Office
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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

MAILED
APR 11 2012
OFFICE OF PETITIONS

In re Application of
David Mariblanca Nieves
Application No.: 12/993,547
Filed: November 19, 2010
Attorney Docket No.: P25232-US1
For: METHODS AND APPARATUS FOR ADVERTISING A ROUTE FOR TRANSMITTING DATA PACKETS

: 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 December 15, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-6) and (8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (7).

Regarding the requirement of condition (7), all documents in the IPER are not listed on the IDS or supplied in the application. The document by J. Moy is missing.

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 Terri Johnson at (571) 272-2991.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

David Bucci
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

MAILED
DEC 28 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	
KARABUTOV, et al.	:	
Application No.: 12/993,597	:	
PCT No.: PCT/US2009/020406	:	DECISION ON PETITION
Int. Filing Date: 10 April 2009	:	
Priority Date: 10 April 2008	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: SPQ001.US	:	
For: NONDESTRUCTIVE TESTING APPARATUS	:	
AND METHOD	:	

The petition to revive under 37 CFR 1.137(b) filed 19 November 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" 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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HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON, OH 44311-1076

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DEC 02 2011
OFFICE OF PETITIONS

In re Application of Kopetsch et al.	:	
Application No. 12/993,615	:	
Int'l Filing Date: July 17, 2009	:	Decision on Request
Attorney Docket No. 208117.0001	:	
Pub. No. US 2011/0166459 A1	:	
Pub. Date: July 7, 2011	:	

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed September 7, 2011.

The request is **granted**.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Telephone inquiries regarding this communication may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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MAILED

JAN 24 2011

PCT LEGAL ADMINISTRATION

John Alumit
16830 Ventura Blvd. Suite 360
Encino CA 91436

In re Application of :
DAULETBAYEV :
U.S. Application No.: 12/993,626 :
Filing Date: 19 November 2010 : DECISION
Attorney Docket No.: 22754-079 :
For: A SCREW AND SCREWDRIVER FOR: SCREWING AND UNSCREWING THE SCREW :

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 19 November 2010, applicant filed Utility Patent Application Transmittal (Form PTO/SB/05), but entered electronic data indicating the application was a national phase entry under 35 USC 371.

On 21 January 2011, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905).

DISCUSSION

A review of the above-captioned application file indicates it is a utility application filed under 35 U.S.C. 111(a).

As indicated in MPEP 1893.03(a), if there are any conflicting instructions as to whether the filing is under 35 USC 111(a) or 35 USC 371, the application will be accepted under 35 USC 111(a). Here, although the electronic information instructed that this application was a filing pursuant to 35 U.S.C. 371, applicant submitted the Form PTO/SB/05, which the MPEP states is a clear instruction to process under 35 USC 111(a). MPEP 1893.03(a). Thus, the application is a filing under 35 U.S.C. 111(a) pursuant to 1077 OG 13.

As this application is a filing under 35 USC 111(a), the Form PCT/DO/EO/905 issued in error.

CONCLUSION

As indicated above, this application will be processed as a 35 USC 111(a) filing.

The Form PCT/DO/EO/905 mailed 21 January 2011 is **VACATED**.

This application is being forwarded to the Office of Patent Application Processing for processing as a filing under 35 USC 111(a).

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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DEC 14 2011

OFFICE OF PETITIONS

John Alumit
16830 Ventura Blvd. Suite 360
Encino CA 91364

In re Application of	:	
Dauletbayev	:	
Application No. 12/993,626	:	ON PETITION
Filed: November 19, 2010	:	
Attorney Docket No. 22754-079	:	

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 May 18, 2011 for failure to timely submit a proper reply to the Notice of File Missing Parts (Notice) mailed March 17, 2011. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed November 29, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See, MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being directed to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/993,631	Filing date:	11/19/2010
First Named Inventor:	John C. Mills		
Title of the Invention:	Fuel Additive and Method for Use for Combustion Enhancement and Emission Reduction		

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/US09/44711

The international date of the corresponding PCT application(s) is/are: May 20, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [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.

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.:	12/993,631
First Named Inventor:	John C. Mills

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [x] Is attached
- [ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [x] Are attached.
- [ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
2	2	Claim 2 made independent by incorporating subject matter of Claim 1 except the choice
		of oxides retained from Claim 2; see Preliminary Amendment
4	4	N/A
5	5	Changed claim dependency because Claim 1 was canceled
6	6	Changed claim dependency because Claim 1 was canceled
7	7	N/A
8	8	N/A
10	10	Claim 10 made independent by incorporating subject matter of Claim 9 except the choice
		of oxides retained from Claim 9; see Preliminary Amendment
11	11	Changed claim dependency because Claim 9 was canceled
12	12	Changed claim dependency because Claim 9 was canceled
14	14	Claim 14 made independent by incorporating subject matter of Claim 13 except the choice
		of oxides retained from Claim 14; see Preliminary Amendment
15	15	Changed claim dependency because Claim 13 was canceled
16	16	Changed claim dependency because Claim 13 was canceled

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /es hansen/	Date 11/19/2010
Name (Print/Typed) Eugenia S. Hansen	Registration Number 31,966

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
EUGENIA S. HANSEN
HEMINGWAY & HANSEN, LLP
1717 MAIN STREET SUITE 2500
DALLAS, TX 75201

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing (*day/month/year*)	23 SEP 2010
Applicant's or agent's file reference JMIL101PTWO	**IMPORTANT NOTIFICATION**

International application No.	International filing date (*day/month/year*)	Priority date (*day/month/year*)
PCT/US09/44711	20 May 2009 (20.05.2009)	20 May 2008 (20.05.2008)

Applicant
JOHN C MILLS

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/ US	Authorized officer
Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450	Cephia D. Toomer
Facsimile No.	Telephone No. 571-272-1700

Form PCT/IPEA/416 (January 2004)

COMPLETED

Docketed by AD 9/30/10

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 JMIL101PTWO	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. PCT/US09/44711	International filing date *(day/month/year)* 20 May 2009 (20.05.2009)	Priority date *(day/month/year)* 20 May 2008 (20.05.2008)
International Patent Classification (IPC) or national classification and IPC IPC: **C10L 1/12**(2006.01),**10/02**(2006.01);**B82B 3/00**(2006.01) USPC: 44/457		
Applicant JOHN C MILLS		

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 3 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 3 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 24 March 2010 (24.03.2010)	Date of completion of this report 08 September 2010 (08.09.2010)
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 Cephia D. Toomer Telephone No. 571-272-1700

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US09/44711

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

   ☒ the international application in the language in which it was filed.

   ☐ a translation of the international application into 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)*:

   ☐ the international application as originally filed/furnished

   ☒ the description:
   pages 1-9 as originally filed/furnished
   pages* NONE received by this Authority on
   pages* NONE received by this Authority on

   ☒ the claims:
   pages 10 and 11 as originally filed/furnished
   pages* NONE as amended (together with any statement) under Article 19
   pages* 10-12 received by this Authority on 24 March 2010 (24.03.2010)
   pages* NONE received by this Authority on

   ☒ the drawings:
   pages 1/5-5/5 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/US09/44711

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 1-20	YES
	Claims NONE	NO
Inventive Step (IS)	Claims 2, 4-8, 10-12, and 14-16	YES
	Claims 1, 3, 9, 13 and 17-20	NO
Industrial Applicability (IA)	Claims 1-20	YES
	Claims NONE	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-20 meet the criteria set out in PCT Article 33(2) because the prior art does not teach the acclaimed fuel additive and methods of using the fuel additives.

Claims 1, 3, 9, 13 and 17-20 lack an inventive step under PCT Article 33(3) as being obvious over WO 2007120262.

WO teaches a fuel containing a dispersion and a method of controlling pollutants from fuel combustion comprising combusting the fuel containing a mixture of at least two metal bases, at least one surfactant and at least one organic medium, such as neutral oil. The metal bases comprise oxides of iron, magnesium, cerium and/or copper. The metal bases have a particle size ranging from 20 nanometers to less than 1 micron (see paragraphs [0018—[0034]; [0094]; [0095]; [00104-00105].

WO meets the limitations of the claims other than that the metal oxides reabsorb the oxygen as the internal combustion engine cools. However, it would be reasonable to expect that WO would meet this limitation because it teaches the same additives that are used in the same environment as those of the present claims.

Claims 1-20 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

---------- NEW CITATIONS ----------

Required Document

FOR 1(b) (Non-Lined Through Claims)

I CLAIM:

1. A fuel additive, comprising a suspension of nanoparticles comprising oxides which are characterized by having useful temperatures at which they contribute oxygen to a reaction in an internal combustion engine and then reabsorb it as the combustion chamber of an internal combustion engine cools, wherein said oxides are selected from the group consisting of cerium, copper, iron, magnesium, zinc and combinations thereof, and wherein said average particle size of said nanoparticles is less than 100 nm.

2. The fuel additive of Claim 1, wherein said oxides consist of a combination of zinc oxide and magnesium oxide, and an oxide selected from the group consisting of copper, iron and cerium.

3. The fuel additive of Claim 1, wherein the average particle size of said nanoparticles is less than 50 nm.

4. The fuel additive of Claim 2, wherein the average particle size of said nanoparticles is less than 50 nm.

5. The fuel additive of Claim 1, wherein said oxides consist of a combination of zinc oxide in an amount of 70 to 80% by weight, magnesium oxide in an amount of 10 to 20% by weight, cerium oxide in an amount of 1 to 5% by weight, copper oxide in an amount of 1 to 5% by weight and ferric oxide in an amount of 1 to 5% by weight.

6. The fuel additive of Claim 1, wherein said oxides consist of a combination of zinc, magnesium and cerium oxides in the following proportion by weight: 75%, 23% and 2%.

7. The fuel additive of Claim 5, wherein the average particle size of said nanoparticles is less than 50 nm.

8. The fuel additive of Claim 6, wherein the average particle size of said nanoparticles is less than 50 nm.

9. A method for reducing emissions of pollutants generated from the combustion of a hydrocarbon fuel, comprising adding to said hydrocarbon fuel a fuel additive comprising a suspension of nanoparticles comprising oxides which are characterized by having useful temperatures at which they contribute oxygen to a reaction in an internal combustion engine and then reabsorb it as the combustion chamber of an internal combustion engine cools, wherein said, wherein said oxides are selected from the group consisting of cerium, copper, iron, magnesium, zinc and combinations thereof, and wherein said average particle size of said nanoparticles is less than 100 nm.

10. The method of Claim 9, wherein said oxides consist of a combination of zinc oxide and magnesium oxide, and an oxide selected from the group consisting of copper, iron and cerium.

11. The method of Claim 9, wherein said oxides consist of a combination of zinc oxide in an amount of 70 to 80% by weight, magnesium oxide in an amount of 10 to 20% by weight, cerium oxide in an amount of 1 to 5% by weight, copper oxide in an amount of 1 to 5% by weight and ferric oxide in an amount of 1 to 5% by weight.

12. The method of Claim 9, wherein said oxides consist of a combination of zinc, magnesium and cerium oxides in the following proportion by weight: 75%, 23% and 2%.

13. A method for improving the fuel economy of hydrocarbon fuel combusted in an engine, comprising adding to said hydrocarbon fuel a fuel additive comprising a suspension of nanoparticles comprising oxides which are characterized by having useful temperatures at which they contribute oxygen to a reaction in an internal combustion engine and then reabsorb it as the combustion chamber of an internal combustion engine cools, wherein said oxides are selected from the group consisting of cerium, copper, iron, magnesium, zinc and combinations thereof and wherein said average particle size of said nanoparticles is less than 100 nm.

14. The method of Claim 13, wherein said oxides consist of a combination of zinc oxide and magnesium oxide, and an oxide selected from the group consisting of copper, iron and cerium.

15. The method of Claim 13, wherein said oxides consist of a combination of zinc oxide in an amount of 70 to 80% by weight, magnesium oxide in an amount of 10 to 20% by weight, cerium oxide in an amount of 1 to 5% by weight, copper oxide in an amount of 1 to 5% by weight and ferric oxide in an amount of 1 to 5% by weight.

16. The method of Claim 13, wherein said oxides consist of a combination of zinc, magnesium and cerium oxides in the following proportion by weight: 75%, 23% and 2%.

17. A method for making a fuel additive comprising ultrasonic mixing of metal oxide nanoparticles ,wherein said average particle size of said metal oxide nanoparticles is less than 100 nm. in a fuel miscible carrier liquid to form a uniform suspension and wherein said metal oxides are selected from the group consisting of cerium, copper, iron, magnesium, zinc and combinations thereof.

18. The method of Claim 17, wherein said carrier liquid has a flash point above 60 degrees Celsius.

19. The method of Claim 18, wherein said fuel miscible liquids is selected from ethylene glycols, propylene glycol n butyl ether (PnB) and diethylene glycol monomethyl ether (DM).

20. A product of the method of Claim 17.

I CLAIM:

1. A fuel additive, comprising a suspension of nanoparticles comprising oxides which are characterized by having useful temperatures at which they contribute oxygen to a reaction in an internal combustion engine and then reabsorb it as the combustion chamber of an internal combustion engine cools.

2. The fuel additive of Claim 1, wherein said oxides are selected from the group consisting of cerium, copper, iron, magnesium, zinc and combinations thereof.

3. The fuel additive of Claim 1, comprising zinc oxide and magnesium oxide and an oxide selected from copper, iron and cerium.

4. The fuel additive of Claim 1, wherein the average particle sizes of said nanoparticles is less than 100 nm.

5. The fuel additive of Claim 4, wherein the average particle size of said nanoparticles is less than 50 nm.

6. A method for reducing emissions of pollutants generated from the combustion of a hydrocarbon fuel, comprising adding to said hydrocarbon fuel a fuel additive comprising a suspension of nanoparticles comprising oxides which are characterized by having useful temperatures at which they contribute oxygen to a reaction in an internal combustion engine and then reabsorb it as the combustion chamber of an internal combustion engine cools.

7. The method of Claim 3, wherein said oxides are selected from the group consisting of cerium, copper, iron, magnesium, zinc and combinations thereof.

8. A method for improving the fuel economy of hydrocarbon fuel combusted in an engine, comprising adding to said hydrocarbon fuel a fuel additive comprising a suspension of nanoparticles comprising oxides which

are characterized by having useful temperatures at which they contribute oxygen to a reaction in an internal combustion engine and then reabsorb it as the combustion chamber of an internal combustion engine cools.

9. The method of Claim 5, wherein said oxides are selected from the group consisting of cerium, copper, iron, magnesium, zinc and combinations thereof.

10. A fuel additive comprising zinc oxide in an amount of 70 to 80% by weight, magnesium oxide in an amount of 10 to 20% by weight, cerium oxide in an amount of 1 to 5% by weight, copper oxide 1 to 5% and ferric oxide 1 to 5% by weight.

11. A fuel additive comprising zinc, magnesium and cerium oxides in the following proportion by weight: 75%, 23% and 2%.

12. A method for making a fuel additive comprising ultrasonic mixing of metal oxides in a fuel miscible carrier liquid to form a uniform suspension.

13. The method of Claim 12, wherein said carrier liquid has a flash point above 60 degrees Celsius.

14. The method of Claim 13, wherein said fuel miscible liquids is selected from ethylene glycols, propylene glycol n butyl ether (PnB) and diethylene glycol monomethyl ether (DM).

15. The method of Claim 12, wherein said metal oxides are selected from the group consisting of cerium, copper, iron, magnesium, zinc and combinations thereof.

16. A product of the method of Claim 12.

17. A product of the method of Claim 13.

18. A product of the method of Claim 14.

19. A product of the method of Claim 15.

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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.
12/993,631	11/19/2010	John C. Mills	JMIL 00102 PTUS	7419

27829 7590 03/21/2011
Eugenia S. Hansen
Hemingway & Hansen, LLP
Comerica Bank Tower Suite # 2500
1717 Main Street
Dallas, TX 75201

EXAMINER

ART UNIT	PAPER NUMBER
1771	

MAIL DATE	DELIVERY MODE
03/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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EL

March 21, 2011

In re application of Mills, John C. Serial No. 12/993,631 Filed: November 19, 2010 For: **FUEL ADDITIVE AND METHOD FOR USE FOR COMBUSTION ENHANCEMENT AND EMISSION REDUCTION**	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed November 19, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Emily M. Le/

Emily M. Le
Supervisory Patent Examiner
Technology Center 1700

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Alexandria, VA 22313-1450
www.uspto.gov

58249
COOLEY LLP
Attn: Patent Group
Suite 1100
777 - 6th Street
Washington, DC 20001

MAILED

JAN 05 2011

PCT LEGAL ADMINISTRATION

In re Application of :
CORNELIUS *et al* :
U.S. Application No.: 12/993,645 :
PCT No.: PCT/AU2009/000457 :
Int. Filing Date: 14 April 2009 :
Priority Date: 14 April 2008 :
Docket No.: ALLE-022/00US :
For: CENTRAL AXIS WATER TURBINE :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 19 November 2010 is hereby **GRANTED** as follows:

The Basic National fee and the petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was not provided.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b), a search fee, an examination fee, and a surcharge fee are required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

58249
COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
Washington, DC 20001

MAILED

AUG 26 2011

PCT LEGAL ADMINISTRATION

In re Application of :
CORNELIUS *et al* :
U.S. Application No.: 12/993,645 :
PCT No.: PCT/AU2009/000457 :
Int. Filing Date: 14 April 2009 :
Priority Date: 14 April 2008 :
Docket No.: ALLE-022/00US :
For: CENTRAL AXIS WATER TURBINE :

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 01 June 2011.

BACKGROUND

On 02 February 2011, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that additional claim fees, a search and examination fee, 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 01 June 2011, applicants filed the subject petition which was accompanied by, *inter alia*, a search and examination fee, a $65.00 surcharge fee; a $130.00 petition fee; a two-month extension fee of $245.00; a preliminary amendment; a declaration signed on behalf of the nonsigning inventor; a statement of Lester Norton Miller; and documentary evidence in support of the petition (Exhibits A - C).

DISCUSSION

Applicants claim that co-inventor, Gary CAMPBELL, refuses to cooperate in the above-identified application and have filed the subject petition.

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 inventors.

All items of 37 CFR 1.47(a) have been satisfied.

Concerning item (1) of 37 CFR 1.47(a), a petition fee of $130.00 was submitted. The fee for a petition under 37 CFR 1.47 is $200.00. *See* 37 CFR 1.17(g). The appropriate amount has been charged to Deposit Account No. 50-1283 as authorized. Item (1) is satisfied.

Regarding item (2) of 37 CFR 1.47(a), a review of the evidence shows that after receiving an email request to sign a declaration and assignment, Mr. CAMPBELL responded on 29 November 2010. The response demonstrates a reluctance to cooperate in the subject application by Mr. CAMPBELL until a monetary dispute was resolved.

A complete copy of the patent application, a declaration and an assignment was then sent to the last known address of the nonsigning inventor on 18 January 2011. These documents were received on 24 January 2011. A copy of the signed postal receipt was provided in Exhibit C. No response to the second request has been received as of the date of the petition.

The failure to respond by Mr. CAMPBELL constitutes a refusal to cooperate as contemplated in section 409.03(d)(II) of the MPEP. Item (2) is satisfied.

With regards to item (3) of 37 CFR 1.47(a), the last known address of Mr. CAMPBELL was provided in the petition as required. Item (3) is satisfied.

Concerning item (4) of 37 CFR 1.47(a), applicants submitted a declaration signed by four of the five named co-inventors on behalf of themselves and the nonsigning joint inventor. This declaration meets the requirements of section 409.03(a)(A) and is in compliance with 37 CFR 1.497(a) and (b). Item (4) is also satisfied

All requirements of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 14 April 2009 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 01 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
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Alexandria, VA 22313-1450
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Mr. Gary Campbell
2 Sea Terrace
Mentone, VIC 3194
Australia

MAILED

AUG 26 2011

PCT LEGAL ADMINISTRATION

In re Application of
CORNELIUS *et al*
U.S. Application No.: 12/993,645
PCT No.: PCT/AU2009/000457
Int. Filing Date: 14 April 2009
Priority Date: 14 April 2008
Docket No.: ALLE-022/00US
For: CENTRAL AXIS WATER TURBINE

Dear Mr. Campbell:

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

COOLEY LLP
Suite 1100
777 - 6th Street, NW
Washington, DC 20001

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/993,650	11/19/2010	Michael Stilman	GTRC4508	7500

6980 7590 02/03/2012
TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA, GA 30308-2216

EXAMINER
TRAN, KHOI H

ART UNIT	PAPER NUMBER
3664	

NOTIFICATION DATE	DELIVERY MODE
02/03/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jim.schutz@troutmansanders.com
patents@troutmansanders.com
ryan.schneider@troutmansanders.com

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TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

Applicant: Stilman
Appl. No.: 12/993,650
Filing Date: November 19, 2010
Title: FORCE BALANCING MOBILE ROBOT AND ROBOTIC SYSTEM
Attorney Docket No.: GTRC4508
Pub. No.: US 2011/0071677 A1
Pub. Date: March 24, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on December 9, 2011, and again on January 26, 2012, 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 did not provide a copy of the application papers 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

Adjustment date: 02/03/2012 KKING1
12/09/2011 INTEFSW 00009338 201507 12993650
01 FC:1504 300.00 CR

02/03/2012 KKING1 00000001 201507 12993650
01 FC:1803 130.00 DA

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

DEC 02 2010

PCT LEGAL ADMINISTRATION

Cooley LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
Washington, D.C. 20001

In re Application of	:	
KEIR et al.	:	
Application No.: 12/993,652	:	
PCT No.: PCT/AU2009/000458	:	DECISION ON PETITION
Int. Filing Date: 14 April 2009	:	UNDER 37 CFR 1.137(b)
Priority Date: 14 April 2008	:	
Attorney Docket No.: ALLE-023/00US	:	
For: BLADE FOR A WATER TURBINE	:	

The petition to revive under 37 CFR 1.137(b) filed 19 November 2010 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

00570
PANITCH SCHWARZE BELISARIO
& NADEL LLP
One Commerce Square
2005 Market Street, Suite 2200
Philadelphia, PA 19103

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SEP 02 2011

PCT LEGAL ADMINISTRATION

In re Application of
ONODERA *et al*
U.S. Application No.: 12/993,675
PCT No.: PCT/JP2009/059377
Int. Filing Date: 21 May 2009
Priority Date: 21 May 2008
Docket No.: 688101-10US FP09021300US
For: POLYMER, POLYARYLENE BLOCK COPOLYMER, POLYELECTROLYTE, POLYELECTROLYTE MEMBRANE, AND FUEL CELL

DECISION

This decision is in response to the declaration submitted on 01 July 2011 which is treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 21 December 2010, a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) was mailed indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. A two-month time limit was set for response.

On 01 July 2011, applicants filed the subject response which was accompanied by, *inter alia*, an executed declaration, a five-month extension and $2,350.00 extension fee, a preliminary amendment, and a $130.00 surcharge fee.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Applicants have furnished a declaration executed by seven of the eight named inventors, and by Akiro KAITO and Yuko KAITO as the legal representatives of a

deceased inventor, Isao KAITO.

The citizenship and names of all the joint inventors (including the deceased inventor) are listed on the declaration pursuant to 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1). Moreover, the citizenship, residence and address of the legal representatives are recorded on the declaration pursuant to 37 CFR 1.497(b)(2).

This declaration complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 21 May 2009, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 01 July 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

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:	12/993,683	Filing date:	November 19, 2010
First Named Inventor:	Fabienne JOANNY		
Title of the Invention:	USE OF A MATRIX FOR ORALLY ADMINISTERING SUSTAINED RELEASE MAGNESIUM, ...		

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/FR2009/000585

The international date of the corresponding PCT application(s) is/are: May 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.

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.:	12/993,683
First Named Inventor:	Fabienne JOANNY

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 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 November 19, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
5	5	
6	6	
7	7	
8	8	
11	8	
12	8	
13	5	
14	5	
15	6	
16	1	Original "use" claim has been converted into method claim
17	3	
18	6	
19	9	
20	10	
21	5	Reformulated version of original claim 5
22	6	
23	8	
24		dependent on claim 21 - see above
25, 26	5	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date January 20, 2010
Name (Print/Typed) Jeffrey D. Tekanic	Registration Number 36,031

TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT

RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ

(chapitre I du Traité de coopération en matière de brevets)

(règle 44*bis* du PCT)

Référence du dossier du déposant ou du mandataire FJ 3a PCT	**POUR SUITE À DONNER**	Voir le point 4 ci-dessous
Demande internationale no. PCT/FR2009/000585	Date du dépôt international *(jour/mois/année)* 20 May 2009 (20.05.2009)	Date de priorité *(jour/mois/année)* 20 May 2008 (20.05.2008)
Classification internationale des brevets (8eedition, sauf indication d'une édition antérieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237		
Déposant JOANNY, Fabienne		

1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44*bis*.1.a).

2. Ce RAPPORT comprend un total de 7 feuilles, y compris la présente feuille de couverture.

   Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).

3. Le présent rapport contient des indications relatives aux points suivants :

☒	Cadre n° I	Base de l'opinion
☐	Cadre n° II	Priorité
☐	Cadre n° III	Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle
☐	Cadre n° IV	Absence d'unité de l'invention
☒	Cadre n° V	Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration
☐	Cadre n° VI	Certains documents cités
☐	Cadre n° VII	Certaines irrégularités relevées dans la demande internationale
☒	Cadre n° VIII	Certaines observations relatives à la demande internationale

4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44*bis*.3.c) et 93*bis*.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44*bis*.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).

	Date d'établissement du présent rapport 18 December 2010 (18.12.2010)
Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland no de télécopieur +41 22 338 82 70	Fonctionnaire autorisé Beate Giffo-Schmitt e-mail: pt03.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	see form PCT/ISA/210
Applicant's or agent's file reference FJ 3a PCT	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/FR2009/000585	20.05.2009	20.05.2008

International Patent Classification (IPC) or both national classification and IPC
A61K9/20, A61K9/28, A61K33/06, A61K9/70

Applicant
JOANNY, Fabienne

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
- [x] Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/FR2009/000585

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/FR2009/000585

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations:

1. Assessment of novelty and inventive step

1. Documents

Reference is made to the following documents

D1: US 2005/220865 A1 (KOLENG JOHN J [US] ET AL) 6 October 2005 (2005-10-06)

D2: US 2006/217385 A1 (EDWARDS JOHN B [US] ET AL) 28 September 2006 (2006-09-28)

D3: US 2005/266082 A1 (PATEL SATISHKUMAR A [US] ET AL) 1 December 2005 (2005-12-01)

D4: US 2004/156896 A1 (DIXIT MANESH [US] ET AL) 12 August 2004 (2004-08-12)

For the citations, see the Preliminary Search Report.

2. Novelty according to PCT Article 33(1) and (2)

2.1 Documents D1-D4 disclose oral pharmaceutical compositions - preferably tablets - which include the

following substances: magnesium, hydroxypropyl methylcellulose, lactose, colloidal silica, and glyceryl behenate chosen from a list of agents. D1 and D2 include the concept that the magnesium derivative forms the active principle. In documents D3 and D4, magnesium is contained as a vehicle in a small amount. Glyceryl behenate is not mentioned in D4, or can be chosen from a list of possible agents in D3.

2.2 In consideration of sections 1 and 2.1, the subject matter of claims 1-10 appears to meet the requirements of novelty (PCT Article 33(1) and (2) because D1-D4 do not describe a composition that would include the five agents indicated in claims 1 / 5 and the amounts indicated.

3. Inventive step according to PCT Article 33(1) and (3)
3.1 The problem to be solved by the present invention can therefore be considered that of improving the bioavailability of slow-release magnesium.

The problem is solved by the use of a matrix in the form of a magnesium tablet with slow and gradual release (provided with a protective coating slowing dissolution of the magnesium in the digestive system), which forms a core consisting of a hydrophilic slowing agent (B1, hydroxypropyl methylcellulose), a hydrophobic slowing agent (B2, glyceryl behenate), an inert filler (C1, lactose), and another inert filler (C2, colloidal silica).

At present, it appears to be possible to consider document D1 to be the closest prior art.

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**

The tablets of D1 contain MgO in granule form (408 mg, 67 parts by weight), 85.5 mg (14 parts by weight) of lactose, 100.0 mg (16.5 parts by weight) of polyethylene glycol, 10.0 mg (1.6 parts by weight) of poloxamer, 35.0 mg (5.7 parts by weight) of ethylcellulose, 62.5 mg (10.2 parts by weight) of crospovidone and 3.5 mg (0.6 parts by weight) of colloidal silica and 3.5 mg of magnesium stearate, or glyceryl behenate is considered to be an alternative.

Clearly, D1 lacks the hydroxypropyl methylcellulose vehicle, as well as the distribution of parts by weight for the notable ingredients and the slow release of magnesium.

D1 does not provide any indication to a person skilled in the art enabling it to be logically concluded that the solution to the present problem would be obvious on the basis of D1 or general technical knowledge.

It consequently appears that the subject matter of claims 1-10 would be inventive according to PCT Article 33(1) and (3)).

Similar considerations and conclusions would be valid if documents D2-D4 were considered to be the closest prior art.

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:

Clarity (PCT Article 6)

1.1 Claims 1 and 9 lack clarity according to PCT Article 6 because they do not mention the conditions provided in order to establish a defined dissolution profile (rotations per minute, apparatus).

1.2 The first claim uses the abbreviation Mg, but it must be assumed that Mg^{2+} ions were dissolved.

1.3 Claim 10 relates to the use as cosmetic means for skin hydration or for treating or preventing skin stress. It should be specified whether this use is therapeutic or non-therapeutic. In the first case, skin stress and hydration are not diseases suitable for treatment. In addition, the claims should be drafted in the format of the second medical use (***Swiss-type*** claims).
This question would also be important for patentability in a European application.

1.4 The term "gradual release" does not appear to be clear because the term does not provide any concrete idea of the course of dissolution and bioavailability of the agent included in the formulation provided (PCT Article 6).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit Unknown

In re Patent Application of:

Fabienne JOANNY

Application Serial No.: 12/993,678

Int'l Appl. No.: PCT/2009/000585

Confirmation No.: 7691

Filed: November 19, 2010

Examiner: Unknown

Title: "USE OF A MATRIX FOR ORALLY ADMINISTERING SUSTAINED RELEASE MAGNESIUM, AND COMPOSITION CONTAINING SAID MATRIX"

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Verification of Translations

The undersigned is employed by Anglehart et al, located at 258-393 rue St-Jacques Ouest, Montréal, Québec, Canada, H2Y 1N9, and declares that:

1. I am conversant in both French and English,

2. The attached English translation of the claims indicated as having novelty, inventive step and industrially applicability in the above-noted parent PCT application is a true and accurate translation to the best of my knowledge and belief, and

3. All statements made of my own knowledge are true and all statements made on information and belief are believed to be true, and further these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001, and such false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated: 19/01/2011

[Pascal Lanctot]

CLAIMS

1. The use of a matrix for the oral administration, in tablet form, of magnesium with progressive release, said matrix having no enteric coating but having a protective coating that slows down the gastric dissolution of the Mg, and said matrix, which forms a core comprised of a hydrophilic retardant (B1), a hydrophobic retardant (B2), an inert filler (C1) acting as diluent, and an inert filler (C2) acting as lubricant, being characterized in that it comprises, for administration of

(A) 90 to 110 parts by weight of magnesium,

the following ingredients:

(B1) 180 to 190 parts by weight of hydroxypropylmethylcellulose,

(B2) 19.8 to 22.2 parts by weight of glyceryl behenate,

(C1) 10 to 12 parts by weight of lactose, and

(C2) 10 to 12 parts by weight of colloidal silica.

2. The use according to claim 1, characterized in that said coating is a single-layer or multilayer film coating.

3. The use according to claim 2, characterized in that said coating represents 1.3% to 7.5% by weight relative to the weight of the matrix.

4. The use according to claim 3, characterized in that said coating is

(a) a single-layer film coating of shellac, or

(b) a two-layer film coating, each layer comprising a substance selected from shellac, cellulose ethers (especially HPMC and HPC), and mixtures thereof.

5. A composition for oral administration, in tablet form, of magnesium with progressive release, characterized in that it is comprised of

- a matrix constituting a core comprising

(A) 90 to 110 parts by weight of magnesium, the source of magnesium being $MgCl_2.9/2H_2O$,

(B1) 180 to 190 parts by weight of hydroxypropylmethylcellulose,

(B2) 19.8 to 22.2 parts by weight of glyceryl behenate,

(C1) 10 to 12 parts by weight of lactose, and

(C2) 10 to 12 parts by weight of colloidal silica; and

- a film coating of

(D) 15 to 75 parts and preferably 15 to 45 parts by weight of a substance selected from shellac, cellulose ethers (especially HPMC and HPC), and mixtures thereof.

6. The composition according to claim 5, characterized in that said coating is

(a) a single-layer film coating of shellac, or

(b) a two-layer film coating, each layer comprising a substance selected from shellac, cellulose ethers (especially HPMC and HPC), and mixtures thereof.

7. The composition according to claim 5 or 6, characterized in that *in vitro* after 2h in a 0.1N HCl medium it exhibits a rate of dissolution (δ) of the magnesium it comprises of less than or equal to 60%.

8. The composition according to claim 5 or 6, characterized in that, by determination *in vitro* in accordance with a dissolution system comprising first treatment of said composition in a 0.1N HCl medium from T = 0 to T = 2h, then treatment in a buffer at pH 6.8 from T = 2h to T = 8h, it has an Mg dissolution rate (δ), relative to the Mg administered, such that

- at T = 2h, $\delta \leq 60\%$, more specifically $20\% \leq \delta \leq 60\%$, and preferably $25\% \leq \delta \leq 58\%$;

- at T = 4h, $\delta \leq 85\%$, more specifically $40\% \leq \delta \leq 85\%$, and preferably $45\% \leq \delta \leq 82\%$;
- at T = 6h, $\delta \leq 98\%$, more specifically $60\% \leq \delta \leq 98\%$, and preferably $80\% \leq \delta \leq 95\%$; and
- at T = 8h, $\delta \leq 100\%$, more specifically $90\% \leq \delta \leq 100\%$, and preferably $95\% \leq \delta \leq 99.9\%$.

9. The composition according to any of claims 5 to 8, as a food supplement.

10. The composition according to any of claims 5 to 8, as a cosmetic, in particular, for (i) moisturizing the skin, and/or (ii) treating or preventing stress of the skin.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

J-TEK LAW. PLLC
601 PENNSYLVANIA AVENUE, NW
SUITE 900, SOUTH BUILDING
WASHINGTON, DC 20004

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of
FABIENNE JOANNY
Application No.: 12/993,678
Filed: November 19, 2010
Attorney Docket No.: JOA001-00087
For: USE OF A MATRIX FOR ORALLY ADMINISTERING SUSTAINED RELEASE MAGNESIUM...

: 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 January 20, 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, Russia, Spain, Sweden, Finland, Austria, China, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-3), and (5-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (4).

Regarding the requirement of condition (4), claims 16-19 do not sufficiently correspond. Specifically there were no method claims as recited in claims 16-19, that permits a step of administration. Use claims do not recite a step. However claims 16-19 require a step of administering.

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 Thurman K. Page at 571-272-0602.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/993,687	05/19/2011	Robert James Kummerfeld	18726.5	7737

22913 7590 01/10/2012
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
01/10/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

Applicant: Kummerfeld et al.
Appl. No.: 12/993,687
Filing Date: May 19, 2011
Title: SYSTEMS AND METHODS FOR COLLABORATIVE INTERACTION
Attorney Docket No.: 18726.5
Pub. No.: US 2011/0239129 A1
Pub. Date: September 29, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on December 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**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 01/13/2012 KKING1
12/08/2011 INTEFSW 00011661 12993687
01 FC:1504 -300.00 OP

Refund Ref:
01/13/2012 0030106342

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX2009

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.
12/993,692	11/19/2010	Minqing Xing	TTEUS06016 / THMT:0113	7752

7590 06/17/2011
FLETCHER YODER P.C.
7915 FM 1960 RD. WEST
SUITE 330
HOUSTON, TX 77070

EXAMINER
KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
2423	

MAIL DATE	DELIVERY MODE
06/17/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

AUG 23 2011

PCT LEGAL ADMINISTRATION

NELSON MULLINS RILEY & SCARBOROUGH LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

In re Application of ICHINOSE et al	:	
U.S. Application No.: 12/993,748	:	
PCT Application No.: PCT/JP2009/058923	:	
Int. Filing Date: 13 May 2009	:	DECISION
Priority Date Claimed: 19 May 2008	:	
Attorney Docket No.: SIW-145US	:	
For: RUSTPROOF COVER FOR AUTOMOBILE DISK BRAKE	:	

This is in response to applicant's petition under 37 CFR 1.47(a) and request for status under 37 CFR 1.42 filed on 11 July 2011.

BACKGROUND

On 13 May 2009, applicant filed international application PCT/JP2009/058923, which claimed priority of an earlier Japan application filed 19 May 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 26 November 2009. The thirty-month period for paying the basic national fee in the United States expired on 19 November 2010.

On 19 November 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 December 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 11 July 2011, applicant filed the present petition under 37 CFR 1.47(a) and request for status under 37 CFR 1.42.

On 22 July 2011, the the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

DISCUSSION

I. Request for Status under 37 CFR 1.42

The declaration indicates that joint inventor Hisao Asano 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 name of the legal representative and the citizenship of the legal representative.

II. Petition under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning legal representative of the deceased inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The petition states that the legal representative of the deceased inventor cannot be found. However, the petition does not sufficiently establish that a diligent effort was made to locate the legal representative. As an initial matter, the petition states that the deceased inventor is survived by his wife but fails to definitively state that his wife is the legal representative. Furthermore, the petition does not include documentary evidence of attempts to reach the legal representative by sending correspondence to the legal representative's last known home address as required by MPEP 605.03, by searching directories, and by contacting the other inventors. Thus, it would not be reasonable to conclude that the legal representative cannot be found.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition fails to state the last known home address of the nonsigning legal representative as required by MPEP 605.03.

CONCLUSION

For the reasons in §I above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

For the reasons in §II above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 22 July 2011 was sent prematurely and is hereby VACATED.

If reconsideration on the merits 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 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

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

SYNGENTA CROP PROTECTION , INC.
PATENT AND TRADEMARK DEPARTMENT
410 SWING ROAD
GREENSBORO, NC 27409

MAILED

DEC 30 2010

PCT LEGAL ADMINISTRATION

In re Application of KEIPER et al	:	
U.S. Application No.: 12/993,758	:	
PCT Application No.: PCT/EP2009/056294	:	DECISION
Int. Filing Date: 25 May 2009	:	
Priority Date Claimed: 12 May 2008	:	
Attorney Docket No.: 71869	:	
For: PESTICIDAL COMPOSITIONS	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed on 19 November 2010.

BACKGROUND

On 25 May 2009, applicant filed international application PCT/EP2009/056294, which claimed priority of an earlier United States application filed 12 May 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 19 November 2009. The thirty-month period for paying the basic national fee in the United States expired on 12 November 2010.

On 13 November 2010, international application PCT/EP2009/056294 became abandoned as to the United States for failure to timely pay the basic national fee.

On 19 November 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

PTO/SB/20PCT-AT (10-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE AUSTRIAN PATENT OFFICE (APO) AND THE USPTO

Application No:	12/993,811	Filing date:	November 19, 2010
First Named Inventor:	Lewellin, Richard Laurance		
Title of the Invention:	BINDING OF PARTICULATE MATERIALS TO MANUFACTURE ARTICLES		

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/AU2009/000650

The international filing date of the corresponding PCT application(s) is/are: May 25, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE APO AND THE USPTO

(continued)

Application No.:	12/993,811
First Named Inventor:	Lewellin, Richard Laurance

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 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 November 19, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-2	1-2	Exact Correspondence
3	3	Dependency on single claim only in US
4	4	Exact Correspondence
5	5	Dependency on single claim only in US
6	6	Exact Correspondence
7-8	7-8	Dependency on single claim only in US
9-10	9-10	Exact Correspondence
11	11	Dependency on single claim only in US
12	12	Exact Correspondence
13-14	13-14	Dependency on single claim only in US
15-16	15-16	Exact Correspondence
17	17	Dependency on single claim only in US
18	18	Exact Correspondence
19-21	19-21	Dependency on single claim only in US
22	22	Exact Correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /brick g power/	Date December 14, 2011
Name (Print/Typed) Brick G. Power	Registration Number 38581

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/SB/20PCT-AU (01-11)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO

Application No:	12/993,811	Filing date:	November 19, 2010
First Named Inventor:	Lewellin, Richard Laurance		
Title of the Invention:	BINDING OF PARTICULATE MATERIALS TO MANUFACTURE ARTICLES		

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/AU2009/000650

The international filing date of the corresponding PCT application(s) is/are: May 25, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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 IPAU AND THE USPTO

(continued)

Application No.:	12/933,811
First Named Inventor:	Lewellin, Richard Laurance

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 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 November 19, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-2	1-2	Exact Correspondence
3	3	Dependency on single claim only in US
4	4	Exact Correspondence
5	5	Dependency on single claim only in US
6	6	Exact Correspondence
7-8	7-8	Dependency on single claim only in US
9-10	9-10	Exact Correspondence
11	11	Dependency on single claim only in US
12	12	Exact Correspondence
13-14	13-14	Dependency on single claim only in US
15-16	15-16	Exact Correspondence
17	17	Dependency on single claim only in US
18	18	Exact Correspondence
19-21	19-21	Dependency on single claim only in US
22	22	Exact Correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /brick g power/	Date January 23, 2012
Name (Print/Typed) Brick G. Power	Registration Number 38,581

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DURHAM JONES & PINEGAR
INTELLECTUAL PROPERTY LAW GROUP
P.O. BOX 4050
SALT LAKE CITY, UT 84110

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of
Richard Laurance Lewellin
Application No.: 12/993,811
Filed: November 19, 2010
Attorney Docket No.: 28191-3000WOUS
For: BINDING OF PARTICULATE MATERIALS TO MANUFACTURE ARTICLES

: 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 December 14, 2011 and resubmitted on January 23, 2012, 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.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

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.

Ramesh Krishnamurthy

RAMESH KRISHNAMURTHY

for David Bucci
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/993,820	11/19/2010	Sangcheol Nam	DAE10310PCTUS	8753

50488 7590 03/02/2012
ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND, OR 97205-3335

EXAMINER
CHUO, TONY SHENG HSIANG

ART UNIT	PAPER NUMBER
1729	

MAIL DATE	DELIVERY MODE
03/02/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND OR 97205-3335

Applicant: Nam et al.
Appl. No.: 12/993,820
Filing Date: November 19, 2010
Title: SOLID ELECTROLYTE, FABRICATION METHOD THEREOF AND THIN FILM BATTERY COMPRISING THE SAME
Attorney Docket No.: DAE10310PCTUS
Pub. No.: US 2011/0070503 A1
Pub. Date: March 24, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on November 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**. 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 13, 2012

In re Application of :

James Gimzewski

Application No : 12993826

Filed : 19-Nov-2010

Attorney Docket No : TRUC-012/01US 309245-2091

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 2012

The request is **APPROVED.**

The request was signed by William S. Galliani (registration no. 33885) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Cusotmer Number 58249 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	The Regents of the University of California
Name2	
Address 1	1111 Franklin Street
Address 2	
City	Oakland
State	CA
Postal Code	94607-5200
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12993826
Filing Date	19-Nov-2010
First Named Inventor	James Gimzewski
Art Unit	1657
Examiner Name	KAILASH SRIVASTAVA
Attorney Docket Number	TRUC-012/01US 309245-2091
Title	ANALYSIS OF EX VIVO CELLS FOR DISEASE STATE DETECTION AND THERAPEUTIC AGENT SELECTION AND MONITORING

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 58249

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	The Regents of the University of California
Address	1111 Franklin Street
City	Oakland
State	CA
Postal Code	94607-5200
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885

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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GIBSON & DERNIER LLP
SUITE 504,
900 ROUTE 9 NORTH
WOODBRIDGE NJ 07095

MAILED
APR 06 2012
OFFICE OF PETITIONS

In re Application of
Tetsugo Inada, et al.
Application No.: 12/993,858
Filed: December 30, 2010
Attorney Docket No.: 545-226
For: IMAGE PROCESSING DEVICE, IMAGE PROCESSING METHOD, AND INFORMATION STORAGE MEDIUM

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 16, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;

3. Applicant must
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and

b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

      Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;

6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1), (3) and (4) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions 2(c) and 5(c).

Regarding the requirement of condition 2(c), applicant has failed to submit a statement that the English translation of the allowable/patentable claim(s) is accurate.

Regarding the requirement of condition 5(c), applicant has failed to submit a statement the English translation of the JPO Office action is accurate.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

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 Buccel
Petitions Examiner
Office of Petitions

Attorney Docket No.:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
INADA, Tetsugo, et al.

Group Art Unit: Not yet assigned

Application No.: 12/993,858

Examiner: Not yet assigned

Filed: December 30, 2010

Confirmation No.: 9129

For: IMAGE PROCESSING DEVICE, IMAGE PROCESSING METHOD, AND INFORMATION STORAGE MEDIUM

Attorney Docket No.: 545-226

Mail Stop: Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO DECISION TO CORRECT DEFICENCIES

Sir:

The undersigned respectfully requests reconsideration of the Decision to Dismiss the Request to Participate in the Patent Prosecution Highway Program under 37 CFR 1.102(a). In accordance with the requirements set out by the United States Patent and Trademark Office, all conditions have been met by the Applicant. Specifically, a statement that the English translations are accurate was filed with supporting documents on December 16, 2011. The undersigned respectfully requests that the Decision to Dismiss be withdrawn and a new decision to grant the Request to Participate in the Patent Prosecution Highway under 37 CFR 1.102(a) be issued.

If any fees are due in connection with the foregoing, please charge same to our Deposit Account No.: 11-0223.

Dated: April 17, 2012

Respectfully submitted,

By: s/Matthew Be Dernier/
Matthew B. Dernier
Registration No.: 40,989
GIBSON & DERNIER LLP
900 Route 9 North
Woodbridge, New Jersey 07095
Telephone (732) 634-7634
Attorneys for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

LEXYOUME IP GROUP, PLLC
5180 PARKSTONE DRIVE, SUITE 175
CHANTILLY, VA 20151

MAILED
10 DEC 2010
PCT LEGAL ADMINISTRATION

In re Application of AN :
U.S. Application No.: 12/993,898 :
PCT Application No.: PCT/KR2009/001870 : DECISION
Int. Filing Date: 11 April 2009 :
Priority Date Claimed: 28 April 2008 :
Attorney Docket No.: SPT20100001US :
For: HINGE STRUCTURE OF SKATEBOARD :

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 22 November 2010.

BACKGROUND

On 11 April 2009, applicant filed international application PCT/KR2009/001870, which claimed priority of an earlier Korea application filed 28 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 28 October 2010.

On 29 October 2010, international application PCT/KR2009/001870 became abandoned as to the United States for failure to timely pay the basic national fee.

On 22 November 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 11 April 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 November 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
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

APR 20 2011

PCT LEGAL ADMINISTRATION

CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of	:
ZHANG et al.	:
Application No.: 12/993,953	: DECISION ON RESPONSE
PCT No.: PCT/EP05/03542	:
Int. Filing: 19 May 2009	:
Priority Date: 22 May 2008	:
Attorney Docket No.: 15778-00336	:
For: A SHOE UPPER, THE METHOD FOR PREPARING	:
THE SAME AND USE THEREOF	:

This application is before the PCT Legal Office for consideration of applicant's Response of Notification of Defective Response filed on 19 April 2011 in the United States Patent and Trademark Office (USPTO) in the above-captioned application to correct the first and fourth inventors' names. Applicant's request for a two month extension of time is granted.

BACKGROUND

On 20 December 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required. Thereafter, on 07 January 2011, in response to the 905, applicant filed an executed declaration.

On 31 January 2011, a Notification of Defective Response (FORM PCT/DO/EO/916) was mailed to applicant. The notice specifically requested clarification of the spelling of first inventor Zhang's first name and the fourth inventor Yongdong Pang's name as their names appear differently on the declaration than that printed on the published international application.

DISCUSSION

On 19 April 2011, applicant filed a response to the 916 along with a newly executed declaration correcting the first inventor's name to reflect his name (Yuedong Zhang) as stated in the published international application. Applicant explains the error in the inventor's name is typographical on the first filed declaration. With respect to the fourth inventor's name, Applicant indicates that the correct inventor's name is Yongdong PANG, and that his name was corrected under PCT Rule 92bis. Applicant provided a copy of the Notification of the Recording of a Change (Form PCT/IB/306) correcting the fourth inventor's name to YONGDONG PANG

to correct his name from that as indicated in the published international application.

CONCLUSION

Applicants' explanation of the difference in the inventors' names YUEDONG ZHANG and YONGDONG PANG is accepted and noted for the record. The Request to correct the inventors' names is **GRANTED**. No petition fee is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 272-0459

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.
12/993,959	11/22/2010	Yoshitaka Aoyama	2010_1580A	9781

513 7590 02/09/2011
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ART UNIT	PAPER NUMBER
2817	

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):

ddalecki@wenderoth.com
eoa@wenderoth.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re Application of
AOYAMA et al.
Application No.: 12/993,959
Filed: 22 November 2010
Attorney Docket No.: 2010_1580A
For: DRIVE CONTROL DEVICE FOR OSCILLATOR...

: 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 22 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 10 2011

PCT LEGAL ADMINISTRATION

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of	:	
HIROSE et al.	:	DECISION
Application No.: 12/993,989	:	
PCT No.: PCT/JP2009/059578	:	
Int. Filing Date: 26 May 2009	:	
Priority Date: 26 May 2008	:	
Attorney's Docket No.: KOT0520US	:	
For: INTERMEDIATE TRANSFER MEMBER	:	

This decision is in response to applicants' submission filed 07 March 2011, which has properly been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 26 May 2009, applicants filed international application PCT/JP2009/059578 which designated the U.S. and claimed a priority date of 26 May 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 03 December 2009. The thirty-month period for paying the basic national fee in the United States expires at midnight on 28 November 2010.

On 22 November 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a declaration of inventors

On 05 January 2011, 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 the declaration of inventors filed 22 November 2010 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in names between the first name of the first inventor on the declaration (Tatsuya) and on the published international application (Tatuya) and that a new oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 March 2011, applicants filed the instant petition under 37 CFR 1.181 including an explanation of the difference in names in the first name of the first inventor.

DISCUSSION

The petition filed 07 March 2011 concerns the spelling of the first name of the first inventor and explains that the spelling of the inventor's name in the declaration is accurate (Tatsuya) and that the spelling in the international application (Tatuya) is inaccurate. This explanation of the difference in spelling between the international application and the declaration of inventors is accepted and noted for the record.

Accordingly, the declaration filed 22 November 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/944,012	11/11/2010	Hideo ANDO	363128US2SDIV	4883

22850 7590 12/16/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
2481	

NOTIFICATION DATE	DELIVERY MODE
12/16/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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DEC 13 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of:
ANDO, HIDEO, et al.
Serial No.: 12/944,012
Attorney Docket No. 363128US2SDIV
Filed: November 11, 2010

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

Title: **INFORMATION STORAGE MEDIUM AND INFORMATION RECORDING/PLAYBACK SYSTEM**

The petition to make the application special filed November 11, 2010 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 Mehrdad Dastouri, Quality Assurance Specialist, at (571) 272-7418.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400

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JUL 07 2011

PCT LEGAL ADMINISTRATION

Derick E. Allen (28850)
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis MO 63105

In re Application of	:	
SAFARIK, Kristy L.	:	
Application No.: 12/994,020	:	DECISION ON
PCT No.: PCT/US2009/044660	:	
Int. Filing Date: 20 May 2009	:	PETITION
Priority Date: 22 May 2008	:	
Attorney Docket No.: 28850-117; LZRBLIS01	:	UNDER 37 CFR 1.182
For: DUAL LASER SCORED BLISTER	:	
PACKAGE COVER	:	

This decision is in response to applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 22 December 2010.

BACKGROUND

On 07 December 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 22 December 2010, applicants filed this petition under 37 CFR 1.182 to change inventor Stojek's name along with a declaration of the inventor and the surcharge.

DISCUSSION

Applicants have explained that the inventor listed as on the international application as "Kristy L. Stojek" is now named "Kristy L. Safarik," subsequent to her marriage. The $400 petition fee has been paid.

The 22 December 2010 declaration satisfies 37 CFR 1.497(a)-(b).

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

This application is being referred to the national phase processing branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

In re Application of VIKBJERG et al Application No.: 12/994,031 PCT No.: PCT/EP2004/005961 Int. Filing Date: 25 May 2009 Priority Date: 23 MAY 2008 Attorney's Docket No.: 31157U For: LIPOSOMES FOR DRUG... THEREOF	:	DECISION ON PETITION UNDER 37 CFR 1.47(a)

MAILED
SEP 22 2011
PCT LEGAL ADMINISTRATION

This decision is in response to petitioner's "PETITION UNDER 1.47(a) FILING WHEN AN INVENTOR REFUSES TO SIGN OR CANNOT BE REACHED" submitted on 28 July 2011, requesting the acceptance of the application without the signature of the joint inventor JORGENSEN, Kent. The requisite $200 petition fee has been paid by credit card.

BACKGROUND

On 28 November 2006, 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 30 December 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date... is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68" The notification further stated that all items must be submitted within two months from the date of mailing or by 32 months from the priority date for the application in order to avoid abandonment of the national stage application.

In an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) and the Notice, petitioner filed on 28 July 2011, a petition under 37 CFR 1.47(a), a Declaration without the signature of the nonsigning joint inventor, Kent JORGENSEN .

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has satisfied items (1) - (4) of 37 CFR 1.47(a).

Regarding item (1), the petition fee of $200.00 has been paid.

Regarding item (2), the averments of Morgens Winkel Maden are sufficient to support a finding that the nonsigning inventor, Jorgensen 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 inventor refused to return the correspondence signed. Mr. Madsen prepared a letter on June 29, 2011 enclosing the application, combined Declaration and Power of Attorney and Assignment and mailed it with a prepaid return envelope to joint inventor Joergensen. The papers were successfully delivered on July 8, 2011 at Joergensen's residence but Mr. Maden has still not received the required papers signed by Mr. Joergensen.

Consequently, at this time it can be concluded that joint inventor Jorgensen refused to sign the required documents.

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor.

Kent JORGENSEN
Bagsvaerd Hovedgade 99
Door 12H
DK-2880 Bagsvaerd, Denmark

Regarding item (4), petitioner has provided a proper executed declaration without the signature of joint inventor Kent JORGENSEN.

As a result, the petition satisfies all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED** without prejudice.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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Kent JORGENSEN
Bagsvaerd Hovedgade 99
Door 12H
DK-2880 Bagsvaerd, Denmark

MAILED
SEP 22 2011
PCT LEGAL ADMINISTRATION

In re of
VIKBJERG et al
Application No: 12/994,031
PCT No.: PCT/EP2009/056297
Int. Filing Date: 25 May 2009
Priority Date: 23 May 2008
Attorney's Docket No.: 31157U
For: LIPSOMES FOR DRUG DELIVERY AND MEHTODS FOR PREPARATION THEREOF

Dear: JORGENSEN,

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

MAILED
JUN 09 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
Joslin et al	:	DECISION ON
Application No.: 12/994,041	:	
PCT No.: PCT/GB2009/001299	:	
Int. Filing Date: 22 May 2009	:	PETITION UNDER
Priority Date: 22 May 2008	:	
Attorney Docket No.: 50552/014001	:	
For: SCOOTER AND METHOD OF USE	:	
THEREOF	:	37 CFR 1.181

This decision is in response to applicants' "REPLY TO NOTICE OF DEFECTIVE RESPONSE" filed on 30 March 2011, which is being treated as a petition under 37 CFR 1.181 to correct name of the first joint inventor to Nick JOSLIN from Nick JASILAND.

BACKGROUND

On 22 November 2011, applicant filed in the United States Patent and Trademark Office (PTO) via EFS-WEB a National Stage application accompanied by, *inter alia*, the basic national fee, and an executed declaration. The transmitter letter indicated the first name joint inventor as Nick JASILAND.

On 03 January 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date." The notice also indicated that all of the items set forth above must be submitted within two (2) months from the date of this notice or by 32 months from the priority ate for the application, whichever is later. Failure to properly respond will result in abandonment.

On 03 March 2011, applicants filed an executed declaration in response to the Notice mailed on 03 January 2011.

On 15 March 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916)... indicating that "the spelling of inventor JASILAND, Nick is spelled differently on declaration JOSLIN; please clarify."

On 30 March 2011, petitioner filed the respond to the Notification, which is being treated as petition under 37 CFR 1.181 that the name JOSLIN as appears on the executed declaration is the correct spelling of the joint inventor's first name and petitioner references M.P.E.P 1893.01(e).

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Applicant must provide items (1) and (2) for consideration. Alternatively, applicants may provide a showing that the name change was effected in accordance with PCT Rule 92Bis prior to the filing of the present national stage application.

Also, in the case where there is no change name of the individual but an incorrect name was given, a petition under **37 CFR 1.182** should be filed requesting correction of applicant's name

If, however, the name change is due to a typographical error then applicant needs to state and explain it by filing a petition under 37 CFR 1.181. If filed under 37 CFR 1.181 the reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

Petitioner's response is not accepted as a sufficient response to the Notification of Defective Response (Form PCT/DO/EO/916) mailed on 15 March 2011. In this instance the correct spelling of the first name joint inventor to JOSLIN from JASILAND is significant and is more than just a mere typographical or transliteration error. A typographical error is when a minor correction is needed because the spelling of the names are very similar but for a letter has been added or not included and needs to be corrected to have the correct name spelled, which is not in this instance where it involves more than one letter and in several places within the name in order to be corrected to the right name. A transliteration error involves when a foreign character may be written several different ways in English, and the proper version was not selected, which is not the case here.

As a result, petitioner needs to file a petition under 37 CFR 1.182 to correct the name to JOSLIN form JASILAND.

CONCLUSION

For the reasons above, the application may not enter into national stage processing at this time.

The petition under 37 CFR 1.181 is **DISMISSED**, without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.181 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 1.181." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely submit the proper reply will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

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OCT 07 2011

PCT LEGAL ADMINISTRATION

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of	:	
Joslin et al	:	DECISION ON
Application No.: 12/994,041	:	
PCT No.: PCT/GB2009/001299	:	
Int. Filing Date: 22 May 2009	:	PETITION UNDER
Priority Date: 22 May 2008	:	
Attorney Docket No.: 50552/014001	:	
For: SCOOTER AND METHOD OF USE	:	
THEREOF	:	37 CFR 1.182

This is in response to applicants' submission "PETITION UNDER 37 C.F.R. 1.182 REQUESTING CORRECTION OF INVENTOR'S NAME" filed on 04 August 2011. This submission states that the correct applicant's name is Nick JASILAND to Nick JOSLIN for the second joint inventor. The petition fee of $400.00 has been charged petitioner's Deposit Account No.: 03-2095.

BACKGROUND

In a 09 June 2011 decision from this Office, the decision indicated that the application could not enter into national stage at that time since it was unclear if the current name was a result of a name change or typographical error.

On 04 August 2011, applicants filed a petition under 37 CFR 1.182 indicating that the correct name is "Nick JASILAND" and not as listed "Nick JOSLIN" in the international application.

DISCUSSION

The correct spelling of the first named co-inventor is "Nick JOSLIN" as indicated in the executed declaration submitted. The petition provided states that his correct name is Nick JOSLIN and this will be reflected in the U.S. national stage processing.

Applicants' response is accepted as a sufficient response to the Notification of Missing Requirements (FORM PCT/DO/EO/905) mailed on 03 January 2011 and Notification of Defective Response (Form PCT/DO/EO/916) mailed on 15 March 2011.

DECISION

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-3276

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,041	03/03/2011	Nick Joslin	50552/014001	1288

7590 04/11/2012

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER
PHAN, HAU VAN

ART UNIT	PAPER NUMBER
3618	

NOTIFICATION DATE	DELIVERY MODE
04/11/2012	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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MAR 06 2012

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of: TERAZAWA, Yoshihiko, et al. U.S. Application No.: 12/994,046 PCT No.: PCT/JP2009/059424 International Filing Date: 22 May 2009 Priority Date: 23 May 2008 Attorney's Docket No.: 1609-0306PUS1 For: SYSTEM AND METHOD FOR SYNCHRONOUSLY CONVEYING UNDERBODY COMPONENTS FOR VEHICLE BODY	DECISION ON PETITION UNDER 37 CFR 1.181

This decision is issued in response to the "Request For Corrected Notice Of Acceptance" filed on 02 February 2011, treated herein as a petition under 37 CFR 1.181 to correct the "Date Of Completion Of All 35 U.S.C. 371 Requirements" set forth in the Notification Of Missing Requirements. No petition fee is required.

BACKGROUND

On 22 May 2009, applicants filed international application PCT/JP2009/059424. The international application claimed a priority date of 23 May 2008, and it designated the United States. On 26 November 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 23 November 2010.

On 22 November 2010, applicants filed a Form PTO-1390 Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an executed declaration. The Form PTO-1390 Transmittal Letter included an express request to begin national examination procedures pursuant to 35 U.S.C. 371(c)(f).

On 18 January 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" as 22 November 2010 and the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 23 November 2010.

On 02 February 2011, applicants filed the "Request For Corrected Notice Of Acceptance" considered herein. The petition requests a corrected Notification Of Acceptance

identifying the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 22 November 2010.

DISCUSSION

Section 1893.03(b) of the MPEP sets forth the criteria for determining the correct "Date Of Completion Of All 35 U.S.C. 371 Requirements" to be listed on the Notification Of Acceptance, stating as follows:

> The "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is ... the latest of:
>
> (A) the date of submission of the basic national fee;
>
> (B) the date of submission or communication of the copy of the international application;
>
> (C) the date of submission of the translation of the international application if the international application is not in the English language;
>
> (D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371 (c)(4) (see 37 CFR 1.497(c) for an explanation of when an oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4));
>
> (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);
>
> (F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring either an English translation of the international application or an oath or declaration; and
>
> (G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.

In the present application, elements A-D were satisfied as of 22 November 2010, and elements F and G do not apply. The appropriate "Date Of Completion Of All 35 U.S.C. 371 Requirements" is therefore determined by element "E." As noted above, the materials filed by applicants on 22 November 2010 to initiate the present national stage application included a "request for early processing under 35 U.S.C. 371(f)." The 22 November 2010 filing date of the request for early processing was submitted prior to "30 months from the priority date" (i.e., 23 November 2010). Accordingly, pursuant to element E above, the appropriate "Date Of Completion Of All 35 U.S.C. 371 Requirements" is 22 November 2010 (i.e., the filing date of the request for early processing), as asserted by applicants in the present petition.

In view of the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 18 January 2011, which incorrectly identified the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 23 November 2010, is appropriately vacated.

A corrected Notification of Acceptance will be issued that correctly identifies the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 22 November 2010.

CONCLUSION

The petition under 37 CFR 1.181 to correct the "Date Of Completion Of All 35 U.S.C. 371 Requirements" set forth in the Notification Of Acceptance is **GRANTED**.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 18 January 2011, which incorrectly identified the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 23 November 2010 is hereby **VACATED.**

The correct "Date Of Completion Of All 35 U.S.C. 371 Requirements" is **22 November 2010**.

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 issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903).

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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Alexandria, VA 22313-1450
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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

MAILED
JUN 30 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
TORRES JUNCO, et al.	:	
Application No.: 12/994,047	:	
PCT No.: PCT/ES2008/000370	:	DECISION ON PETITION
Int. Filing Date: 23 May 2008	:	
Priority Date: 23 May 2007	:	UNDER 37 CFR 1.42
Attorney Docket No.: 4981-004	:	
For: FLOATING CELL AND ISLAND WITH A	:	
FLOATING MACROPHYTE FILTER	:	

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The combined declaration and declaration filed 05 May 2011 is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 23 May 2008, applicant filed international application PCT/ES2008/000370 which claimed priority to a previous application filed 23 May 2007. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 26 November 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 23 November 2010.

On 22 November 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, an English translation of the international application as filed and a preliminary amendment.

On 14 December 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 05 May 2011, applicant filed the present petition under 37 CFR 1.42 accompanied by a petition for a three-month extension of time. Applicant's response is timely filed.

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."

The declaration filed 05 May 2011 was executed by Maria Lourdes Gacho Conde as the legal representative to the estate of deceased inventor Javier Riesco Prieto. However, the declaration only sets forth the citizenship, residence and mailing address for one individual. Pursuant to 37 CFR 1.497(b) this information must be provided for the legal representative as well as the citizenship of the deceased inventor.

CONCLUSION

Applicants' petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicants are hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

MAILED
SEP 21 2011
PCT LEGAL ADMINISTRATION

In re Application of :
TORRES JUNCO, et al. :
Application No.: 12/994,047 :
PCT No.: PCT/ES2008/000370 : DECISION ON PETITION
Int. Filing Date: 23 May 2008 :
Priority Date: 23 May 2007 : UNDER 37 CFR 1.42
Attorney Docket No.: 4981-004 :
For: FLOATING CELL AND ISLAND WITH A :
FLOATING MACROPHYTE FILTER :

On 30 June 2011, applicant was mailed decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any intended response.

On 30 August 2011, applicant filed the present response and supplemental declaration. A review of the filed declaration finds that it is in compliance with 37 CFR 1.497(a)-(b) and further to the decision of 30 June 2011, it properly lists all inventors, has been executed by the inventors listed on the published international application as well as Maria Lourdes Gacho Conde as legal representative to the estate of deceased inventor, Javier Riesco Prieto. The declaration sets for the residence, mailing address and citizenship of both the legal representative and the deceased inventor and it is therefore proper to grant applicant's renewed request for status at this time.

The application has an international filing date of 23 May 2008 under 35 U.S.C. 363 and will be given a date of **30 August 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 treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

JUN 14 2011

PCT LEGAL ADMINISTRATION

Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

In re Application of
FINKELSTEIN et al.
Application No.: 12/994,072
PCT No.: PCT/US2009/046392
Int. Filing Date: 05 June 2009
Priority Date: 06 June 2008
Attorney Docket No.: 1662/A533US1N
For: SOLID STATES OF ALISKIREN FREE BASE

DECISION ON
PAPERS UNDER 37 CFR 1.42

This decision is issued in response to the declaration filed 12 April 2011, which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 05 June 2009, applicants filed the above-identified international application which claimed a priority date of 06 June 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 06 December 2010.

On 22 November 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by the basic national fee and a copy of the international application.

On 20 December 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(h). The notification set a two-month time limit in which to respond.

On 12 April 2011, applicants filed an executed declaration and a request for a two-month extension of time and the requisite fee.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead,* states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the Manual of Patent Examining Procedure (MPEP) states that the application can also be executed by "all of the heirs" of the deceased inventor, where no legal representative has been appointed.

The declaration submitted on 12 April 2011 appears to be executed by Boris Finkelstein on behalf of the deceased inventor, Nina Finkelstein. However, the declaration does not state that Boris Finkelstein is the sole heir or legal representative of the deceased inventor. Absent a statement that Boris Finkelstein is the sole heir or legal representative of the deceased inventor, the declaration cannot be accepted under 37 CFR 1.42.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), in addition to the name and citizenship of the deceased inventor referenced under 37 CFR 1.497(a)(3) and 37 CFR 1.63, the declaration must also provide name, residence, citizenship, and post office address for the legal representative. The declaration filed on 12 April 2011 provides the residence, citizenship, and post office address for only one individual and it is unclear whether this information is for the person executing the declaration or the deceased inventor. Accordingly, the declaration is not in compliance with 37 CFR 1.497(b)(2).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicants are required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTHS** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42" and must include an acceptable declaration under 37 CFR 1.497 which has been executed by the either the legal representative of the deceased inventor or, if no legal representative has been appointed, all of the heirs of the deceased inventor.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 22 2011

PCT LEGAL ADMINISTRATION

Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

In re Application of: FINKELSTEIN et al.	:	
Application No.: 12/994,072	:	
PCT No.: PCT/US2009/046398	:	DECISION ON
Int. Filing Date: 05 June 2009	:	PAPERS UNDER 37 CFR 1.42
Priority Date: 06 June 2008	:	
Attorney Docket No.: 1662/A533US1N	:	
For: SOLID STATES OF ALISKIREN FREE BASE	:	

In a decision mailed by this Office on 14 June 2011, the declaration filed by applicant on behalf of deceased inventor Nina Finkelstein was dismissed for failure to include all the information required under 37 CFR 1.497.

On 11 August 2011, applicant filed a response to the previous communication that was accompanied by a revised declaration. The declaration submitted on 11 August 2011 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Boris Finkelstein as "sole heir," states his/her relationship to the deceased (i.e., sole heir), and provides the sole heir's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is **GRANTED**.

The submission of the declaration executed by the heir of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required by applicable law to be appointed. If this interpretation is incorrect, applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 25 2011

PCT LEGAL ADMINISTRATION

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1125
4417 LANCASTER PIKE
WILMINGTON DE 19805

In re Application of	:	
YOUNG, David, et al.	:	
Application No.: 12/994,100	:	DECISION ON
PCT No.: PCT/US2009/045031	:	
Int. Filing Date: 22 May 2009	:	PETITION
Priority Date: 22 May 2008	:	
Attorney Docket No.: CL5326USPCT	:	UNDER 37 CFR 1.182
For: ENGINEERING RESISTANCE TO	:	
ALIPHATIC ALCOHOLS	:	

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 22 August 2011.

BACKGROUND

On 07 April 2011, applicants filed a declaration of the inventors.

On 22 July 2011, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that inventor Vanessendelft was listed on the declaration as "McGrath."

On 22 August 2011, applicants filed this petition under 37 CFR 1.182 to correct the name of the inventor.

DISCUSSION

Applicants state that inventor's name is now Jessica McGrath and that her name was changed upon her divorce. The $400 petition fee has been paid.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

This application is being referred to the national phase processing branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

In re Application of	:	DECISION ON
PRACHT et al	:	
Application No.: 12/994,101	:	
PCT No.: PCT/US2008/059461	:	
Int. Filing Date: 04 April 2008	:	PETITION UNDER
Priority Date: N/A	:	
Attorney's Docket No.: 200703401-5	:	
For: DC-TO-DC ... COMPENSATION LOGIC	:	37 CFR 1.137(b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 22 November 2010.

BACKGROUND

On 04 April 2008, this international application was filed.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 04 October 2010. This international application became abandoned with respect to the United States at midnight on 04 October 2010 for failure to pay the required basic national fee.

On 22 November 2010, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, the petition fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER, LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of	:
Larry Mark Weisenthal	:
Application No. 12/994,105	: DECISION ON PETITION
Filed: March 28, 2011	: TO MAKE SPECIAL UNDER
Attorney Docket No. 602992000200	: 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 20, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the attorney of record, Kate Murashige, that the sole inventor is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to Technology Center Art Unit 1641 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to Technology Center 1600 at (571) 272-1600.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAN 14 2011

PCT LEGAL ADMINISTRATION

DYKAS & SHAVER LLP
P.O. BOX 877
BOISE ID 83701-0877

In re Application of	:	
KAWCHUK, Greg	:	
Application No.: 12/994,112	:	DECISION ON PETITION
PCT No.: PCT/CA2009/000669	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 22 May 2009	:	
Priority Date: 23 May 2008	:	
Attorney Docket No.: UOA102NUS	:	
For: BIOLOGICAL SKELETAL SYSTEM MONITORING	:	

The petition to revive under 37 CFR 1.137(b) filed 21 December 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 required reply (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 PCT Legal Administration
Tel.: 571-272-3298

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9P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 06 2011

PCT LEGAL ADMINISTRATION

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

In re Application of
BALAKIN, Vladimir Yegorovich
Application No.: 12/994,130
PCT No.: PCT/RU2009/000248
Int. Filing Date: 21 May 2009
Priority Date: 22 May 2008
Attorney Docket No.: ZAOP0007
For: MULTI-FIELD CHARGED PARTICLE CANCER THERAPY METHOD AND APPARATUS

DECISION

This decision is in response to applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 01 April 2011.

BACKGROUND

On 01 February 2011, the Office mailed Notification, informing applicants that their national phase entry had identified multiple international applications and that a national phase entry is the national phase of only a single application. It required applicants to identify the correct international application and to furnish a petition under 37 CFR 1.182. It set a two month time period for response.

On 01 April 2011, applicants filed a petition under 37 CFR 1.182 to correct the national phase data.

DISCUSSION

A filing under 35 USC 371 is the national phase entry of only one international application. Applicant indicates that this application was intended to be the national phase of PCT/RU2009/000248. 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/RU2009/000248.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12994177	Filing date:	November 23, 2010
First Named Inventor:	Hossam HAICK		
Title of the Invention:	CARBON NANOTUBE STRUCTURES IN SENSOR APPARATUSES FOR ANALYZING BIOMARKERS IN BREATH SAMPLES		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/IL2009/000532

The international filing date of the corresponding PCT application(s) is/are: May 27, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on February 2, 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 2, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1, 6, 7, 10, 11, 13, 18, 19	1, 6, 7, 10, 11, 13, 18, 19	same scope
2, 4, 14, 16	2, 4, 14, 16	narrower in scope
8	8-9	same scope (claim 9 has been combined with claim 8 in the US)
20	20-21	same scope (claim 21 has been combined with claim 20 in the US)
22, 23, 25, 30, 31, 34, 35	22, 23, 25, 30, 31, 34, 35	same scope
26, 28,	26, 28	narrower in scope
32	32-33	same scope (claim 33 has been combined with claim 32 in the US)
37, 38	37, 38	same scope

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Ronni S. Jillions/	Date 2011-03-14
Name (Print/Typed) Ronni S. Jillions	Registration Number 31,979

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.

CLAIMS

1. A system for detecting volatile organic compounds derived from a breath sample, the system comprising:

   (a) an apparatus comprising an array of chemically sensitive sensors of single walled carbon nanotubes coated with non-polar small organic molecules, and

   (b) a processing unit comprising a learning and pattern recognition analyzer wherein the learning and pattern recognition analyzer receives sensor output signals and compares them to stored data.

2. The system according to claim 1 further comprising a breath collector.

3. The system according to claim 2, wherein the breath collector comprises at least one of a unit for concentrating breath analytes and a dehumidifying unit.

4. The system according to claim 1, wherein the single walled carbon nanotubes are organized in a random network configuration.

5. The system according to claim 1, wherein the single walled carbon nanotubes have diameters ranging from about 0.9 nanometer to about 5 nanometers, and lengths ranging from about 1 micrometer to about 50 micrometers.

6. The system according to claim 1, wherein the non-polar small organic molecules comprise functional groups selected from unsubstituted or substituted alkyl, cycloalkyl, alkenyl, alkynyl, aryl, heterocyclyl, heteroaryl, alkylaryl, alkylalkenyl, alkylalkynyl, alkylcycloalkyl, alkylheterocyclyl and alkylheteroaryl groups; combinations and derivatives thereof.

7. The system according to claim 6, wherein the functional groups are substituted by at least one of a carboxyl, an acyl, an amido, an ester, a cyano, a nitro, an azido, a halogen, a hydroxy or a haloalkyl moiety.

8. The system according to claim 1, wherein the small organic molecules are selected from the group consisting of propyl gallate, anthracene, tetracosanoic acid, tricosane, 3-methyl-2-phenyl valeric acid, tris(hydroxymethyl)nitro-methane, tetracosane, dioctyl phthalate, tetracosanoic acid, 1.2.5.6.9.10-hexabromo-cyclododecane, pentadecane, and combinations thereof.

9. The system according to claim 1, wherein the small organic molecules are hexa-peri-hexabenzocoronene (HBC) derivatives selected from the group consisting of HBC-$C_{6,2}$, HBC-$C_{10,6}$, HBC-$C_{14,10}$, and HBC-C_{12}.

10. The system according to claim 1, wherein the sensors are configured in a form selected from the group consisting of capacitive sensors, resistive sensors, impedance sensors, and field effect transistor sensors.

11. The system according to claim 1, wherein the learning and pattern recognition analyzer comprises at least one algorithm selected from the group consisting of artificial neural network algorithms, principal component analysis (PCA), multi-layer perception (MLP), generalized regression neural network (GRNN), fuzzy inference systems (FIS), self-organizing map (SOM), radial bias function (RBF), genetic algorithms (GAS), neuro-fuzzy systems (NFS), adaptive resonance theory (ART), partial least squares (PLS), multiple linear regression (MLR), principal component regression (PCR), discriminant function analysis (DFA), linear discriminant analysis (LDA), cluster analysis, and nearest neighbor.

12. The system according to claim 11, wherein the at least one algorithm is principal component analysis (PCA).

13. A method of determining at least one of the composition and concentration of volatile organic compounds in a breath sample, comprising the steps of:

(a) providing a system comprising an apparatus comprising an array of chemically sensitive sensors of single walled carbon nanotubes coated with non-polar small organic molecules, and a processing unit comprising learning and pattern recognition analyzer wherein the learning and pattern recognition analyzer receives sensor output signals from the apparatus and compares them to stored data,

(b) exposing the sensor array of the apparatus to the sample, and

(c) using pattern recognition algorithms to detect the presence of the volatile organic compounds in the sample.

14. The method according to claim 13 further comprising the step of collecting the sample into a breath collector prior to step (b).

15. The method according to claim 14, wherein the breath collector comprises at least one of a unit for concentrating breath analytes and a dehumidifying unit.

16. The method according to claim 13, wherein the single walled carbon nanotubes are organized in a random network configuration.

17. The method according to claim 13, wherein the single walled carbon nanotubes have diameters ranging from about 0.9 nanometer to about 5 nanometers, and lengths ranging from about 1 micrometer to about 50 micrometers.

18. The method according to claim 13, wherein the non-polar small organic molecules comprise functional groups selected from unsubstituted or substituted alkyl, cycloalkyl, alkenyl, alkynyl, aryl, heterocyclyl, heteroaryl, alkylaryl, alkylalkenyl, alkylalkynyl, alkylcycloalkyl, alkylheterocyclyl and alkylheteroaryl groups; combinations and derivatives thereof.

19. The method according to claim 18, wherein the functional groups are substituted by at least one of a carboxyl, an acyl, an amido, an ester, a cyano, a nitro, an azido, a halogen, a hydroxy or a haloalkyl moiety.

20. The method according to claim 13, wherein the small organic molecules are selected from the group consisting of propyl gallate, anthracene, tetracosanoic acid, tricosane, 3-methyl-2-phenyl valeric acid, tris(hydroxymethyl)nitro-methane, tetracosane, dioctyl phthalate, tetracosanoic acid, 1.2.5.6.9.10-hexabromo-cyclododecane, pentadecane, and combinations thereof.

21. The method according to claim 13, wherein the small organic molecules are hexa-peri-hexabenzocoronene (HBC) derivatives selected from the group consisting of HBC-$C_{6,2}$, HBC-$C_{10,6}$, HBC-$C_{14,10}$, and HBC-C_{12}.

22. The method according to claim 13, wherein the sensors are configured in a form selected from the group consisting of capacitive sensors, resistive sensors, impedance sensors, and field effect transistor sensors.

23. The method according to claim 13, wherein the learning and pattern analyzer comprises at least one algorithm selected from the group consisting of artificial neural network algorithms, principal component analysis (PCA), multi-layer perception (MLP), generalized regression neural network (GRNN), fuzzy inference systems (FIS), self-organizing map (SOM), radial bias function (RBF), genetic

algorithms (GAS), neuro-fuzzy systems (NFS), adaptive resonance theory (ART), partial least squares (PLS), multiple linear regression (MLR), principal component regression (PCR), discriminant function analysis (DFA), linear discriminant analysis (LDA), cluster analysis, and nearest neighbor.

24. The method according to claim 23, wherein the at least one algorithm is principal component analysis (PCA).

25. A method for diagnosing a disease from a breath sample of a subject, comprising:

(a) providing a system comprising an apparatus comprising an array of chemically sensitive sensors of single walled carbon nanotubes coated with non-polar small organic molecules, and a processing unit comprising learning and pattern recognition analyzer wherein the learning and pattern recognition analyzer receives sensor output signals from the apparatus and compares them to stored data,

(b) exposing the sensor array of the apparatus to the sample, and

(c) using pattern recognition algorithms to detect volatile organic compounds in the sample indicative of a disease in the subject.

26. The method according to claim 25 further comprising the step of collecting the sample into a breath collector prior to step (b).

27. The method according to claim 26, wherein the breath collector comprises at least one of a unit for concentrating breath analytes and a dehumidifying unit.

28. The method according to claim 25, wherein the single walled carbon nanotubes are organized in a random network configuration.

29. The method according to claim 25, wherein the single walled carbon nanotubes have diameters ranging from about 0.9 nanometer to about 5 nanometers, and lengths ranging from about 1 micrometer to about 50 micrometers.

30. The method according to claim 25, wherein the non-polar small organic molecules comprise functional groups selected from unsubstituted or substituted alkyl, cycloalkyl, alkenyl, alkynyl, aryl, heterocyclyl, heteroaryl, alkylaryl, alkylalkenyl, alkylalkynyl, alkylcycloalkyl, alkylheterocyclyl and alkylheteroaryl groups; combinations and derivatives thereof.

31. The method according to claim 30, wherein the functional groups are substituted by at least one of a carboxyl, an acyl, an amido, an ester, a cyano, a nitro, an azido, a halogen, a hydroxy or a haloalkyl moiety.

32. The method according to claim 25, wherein the non-polar small organic molecules are selected from the group consisting of propyl gallate, anthracene, tetracosanoic acid, tricosane, 3-methyl-2-phenyl valeric acid, tris(hydroxymethyl)nitro-methane, tetracosane, dioctyl phthalate, tetracosanoic acid, 1.2.5.6.9.10-hexabromo-cyclododecane, pentadecane, and combinations thereof.

33. The method according to claim 25, wherein the small organic molecules are hexa-peri-hexabenzocoronene (HBC) derivatives selected from the group consisting of HBC-$C_{6,2}$, HBC-$C_{10,6}$, HBC-$C_{14,10}$, and HBC-C_{12}.

34. The method according to claim 25, wherein the sensors are configured in a form selected from the group consisting of capacitive sensors, resistive sensors, impedance sensors, and field effect transistor sensors.

35. The method according to claim 25, wherein the learning and pattern recognition analyzer comprises at least one algorithm selected from the group consisting of artificial neural network algorithms, principal component analysis (PCA), multi-layer perception (MLP), generalized regression neural network (GRNN), fuzzy inference systems (FIS), self-organizing map (SOM), radial bias function (RBF), genetic algorithms (GAS), neuro-fuzzy systems (NFS), adaptive resonance theory (ART), partial least squares (PLS), multiple linear regression (MLR), principal component regression (PCR), discriminant function analysis (DFA), linear discriminant analysis (LDA), cluster analysis, and nearest neighbor.

36. The method according to claim 35, wherein the at least one algorithm is principal component analysis (PCA).

37. The method according to claim 25, wherein the disease is selected from the group consisting of cancer, arthritis, arthritic conditions, atherosclerosis, kidney diseases, type 2 diabetes, chronic obstructive pulmonary disease (COPD), age related macula degeneration (AMD), neurodegenerative diseases, Alzheimer's disease, Parkinson's disease and amyotrophic lateral sclerosis (ALS).

38. The method according to claim 37, wherein the disease is cancer selected from the group consisting of lung cancer, prostate cancer, breast cancer, skin cancer, colon cancer, pancreatic cancer, lymphoma, leukemia, head and neck cancer, kidney cancer, ovarian cancer, bone cancer, liver cancer and thyroid cancer.

39. The method according to claim 38, wherein the disease is lung cancer.

Copy for (DO-EP) 31
PATENT COOPERATION TREATY

PCT/IL2009/000532

ADVANCE E-MAIL

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF THE RECORDING OF A CHANGE

(PCT Rule 92*bis*.1 and Administrative Instructions, Section 422)

To:

WEBB & ASSOCIATES
P.O. Box 2189
76121 Rehovot
ISRAËL

Date of mailing *(day/month/year)*
10 December 2010 (10.12.2010)

Applicant's or agent's file reference
TECH/012 PCT

IMPORTANT NOTIFICATION

International application No.
PCT/IL2009/000532

International filing date *(day/month/year)*
27 May 2009 (27.05.2009)

1. The following indications appeared on record concerning:

☒ the applicant ☒ the inventor ☐ the agent ☐ the common representative

Name and Address	State of Nationality	State of Residence
GANG, Peng 11/301 Gilboa St. 32000 Haifa Israel	CN	IL
	Telephone No.	
	Facsimile No.	
	E-mail address	

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person ☐ the name ☒ the address ☐ the nationality ☐ the residence

Name and Address	State of Nationality	State of Residence
GANG, Peng Road Deya 282, 3-702 District KaiFu Changsha City HuNan province 410073 China	CN	CN
	Telephone No.	
	Facsimile No.	
	E-mail address ☐ Notifications by e-mail authorized	

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

☒ the receiving Office
☐ the International Searching Authority
☐ the Authority(ies) specified for supplementary search
☐ the International Preliminary Examining Authority
☒ the designated Offices concerned
☐ the elected Offices concerned
☐ other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 71 30	Authorized officer Perez Reina Luis e-mail pt09.pct@wipo.int Telephone No. +41 22 338 74 09

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 TECH/012 PCT	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/IL2009/000532	International filing date *(day/month/year)* 27 May 2009 (27.05.2009)	Priority date *(day/month/year)* 29 May 2008 (29.05.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant TECHNION RESEARCH AND DEVELOPMENT FOUNDATION LTD.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 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 30 November 2010 (30.11.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Simin Baharlou e-mail: pt09.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/IL2009/000532	27.05.2009	29.05.2008

International Patent Classification (IPC) or both national classification and IPC
INV. G01N33/497

Applicant
TECHNION RESEARCH AND DEVELOPMENT FOUNDATION LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	see form PCT/ISA/210	Joyce, David Telephone No. +31 70 340-3093

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IL2009/000532

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-39
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-39
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-39
	No:	Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1 WO 2008/039165 A2 (NANOMIX INC [US]; CHANG DANIEL M [US]; CHANG YING-LAN [US]; GABRIEL JE) 3 April 2008 (2008-04-03)

D2 WO 2008/052104 A2 (NANOMIX INC [US]; BRYANT CRAIG [US]; CHANG YING-LAN [US]; GABRIEL JEAN) 2 May 2008 (2008-05-02)

D3 PARIKH K ET AL: "Flexible vapour sensors using single walled carbon nanotubes" SENSORS AND ACTUATORS B, ELSEVIER SEQUOIA S.A., LAUSANNE, CH, vol. 113, no. 1, 17 January 2006 (2006-01-17) , pages 55-63, XP025111692 ISSN: 0925-4005 [retrieved on 2006-01-17]

1. The document D1 is regarded as being the closest prior art to the subject - matter of claim 1, and shows (the references in parentheses applying to this document):

A sensor array with single walled carbon nanotubes (SWCNT's) for breath analysis (CO_2) and a pattern recognition discrimination procedure between chemically similar analytes (cf.,§[0072]).

Document D2 discloses electrode arrays for breath analysis of volatile organic compounds (VOC's) using single walled carbon nanotubes.

1.1 The subject - matter of claim 1 differs from these known documents D1 and D2 in that the single walled carbon nanotubes are coated/functionalised with non-polar small organic molecules.

1.2 The subject - matter of claim 1 is therefore new (Article 33(2) PCT).

1.3 The problem to be solved by the present invention may be regarded as increased sensitivity and selectivity towards VOC's indicative of various disorders.

1.4 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:

The functionalisation of random network SWCNT's with non-polar small organic molecules allows the detection of both polar and non-polar biomarker VOC's by providing measurable electronic responses upon vapour adsorption, whereas non-functionalised SWCNT's do not provide measurable electronic responses upon adsorption of non-polar VOC biomarkers. In particular, non-polar VOC biomarkers indicative of cancer, which are generally difficult to trace can be detected in random network SWCNT's coated with tailored organic films.

1.5 The same analysis applies mutatis-mutandis to the corresponding independent claims 13, and 25 which define methods for detecting composition and concentration of VOC's in breath and a method for diagnosing a disease from a breath sample respectively.

1.6 Claims 2-12, 14-24 and 26-39 are dependent on claims 1,13 and 25 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Europäisches Patentamt
European Patent Office
Office européen des brevets

Entry into the European phase (EPO as designated or elected Office)

To the European Patent Office

European application number	EP09754344.1
PCT application number	PCT/IL2009/000532
PCT publication number	WO2009144725
Applicant's or representative's reference	57950PCT/EP(TS)
International Filing Date	27.05.2009
International Search Authority (ISA)	EP
International Preliminary Examination Authority (IPEA)	not applicable
1. Applicant	
Indications concerning the applicant(s) are contained in the international publication or were recorded by the International Bureau after the international publication.	☒
Changes which have not yet been recorded by the International Bureau are set out here:	☐
2. Representative	
This is the representative who will be listed in the Register of European Patents and to whom notifications will be made	
Representative 1	
Name:	Becker Kurig Straus, Patentanwälte
Address of place of business:	Bavariastr. 7
	80336 Munich ,
	Germany
Telephone:	089/746 303 0
Fax:	089/746 303 11
e-mail:	info@galileolaw.de
3. Authorisation	
An individual authorisation is attached.	☐
A general authorisation has been registered under No:	☐
A general authorisation has been filed, but not yet registered.	☐
The authorisation filed with the EPO as PCT receiving Office expressly includes the European phase.	☐
4. Request for examination	
Examination of the application under Art. 94 EPC is hereby requested. The examination fee is being (has been, will be) paid.	☒
Request for examination in an admissible non-EPO language:	☐
The applicant waives his right to be asked under Rule 70(2) EPC whether he wishes to proceed further with the application.	☐
5. Copies	
Additional copies of the documents cited in the supplementary European search report are requested.	☐
Number of additional sets of copies	
6. Documents intended for proceedings before the EPO	
Number of claims on entry into the European phase:	15
6.1 Proceedings before the EPO as designated Office (PCT I) are to be based on the following documents:	
the application documents published by the International Bureau (with all claims, description and drawings), where applicable with amended claims under Art. 19 PCT	☐
unless replaced by the amendments attached.	☒
Where necessary, clarifications should be attached as `Other documents`	

6.2 Proceedings before the EPO as elected Office (PCT II) are to be based on the following documents:

the documents on which the international preliminary examination report is based, including any annexes ☐

unless replaced by the amendments attached. ☐

Where necessary, clarifications should be attached as `Other documents`

If the EPO as International Preliminary Examining Authority has been supplied with test reports, these may be used as the basis of proceedings before the EPO. ☐

7. Translations

Translations in one of the official languages of the EPO (English, French, German) are attached as crossed below: ☐

** In proceedings before the EPO as designated or elected Office (PCT I + II):*

Translation of the international application (description, claims, any text in the drawings) as originally filed, of the abstract as published and of any indication under Rule 13bis.3 and 13bis.4 PCT regarding biological material ☐

Translation of the priority application(s) (to be filed only at the EPO's request, Rule 53(3) EPC) ☐

It is hereby declared that the international application as originally filed is a complete translation of the previous application (Rule 53(3) EPC) ☐

** In addition, in proceedings before the EPO as designated Office (PCT I):*

Translation of amended claims and any statement under Art. 19 PCT, if the claims as amended are to form the basis for the proceedings before the EPO (see Section 6). ☐

** In addition, in proceedings before the EPO as elected Office (PCT II):*

Translation of annexes to the international preliminary examination report ☐

8. Biological material

The invention uses and/or relates to biological material deposited under Rule 31 EPC. ☐

The particulars referred to in Rule 31(1)(c) EPC (if not yet known, the depositary institution and the identification reference(s)) [number, symbols, etc.] of the depositor) are given in the international publication or in the translation submitted in Section 7 on: ☐

page(s) / line(s)

The receipt(s) of deposit issued by the depositary institution

is (are) enclosed. ☐

will be filed later. ☐

Waiver of the right to an undertaking from the requester pursuant to Rule 33(2) EPC attached. ☐

9. Nucleotide and amino acid sequences

The items pursuant to Rules 5.2 and 13ter PCT, Rules 30 and 163(3) EPC are already with the EPO. ☐

The sequence listing is attached in PDF format. ☐

The sequence listing does not include matter which goes beyond the content of the application as filed. ☐

The sequence listing data is also attached in computer-readable form in accordance with WIPO Standard 25. ☐

The sequence listing data in computer-readable form in accordance with WIPO Standard 25 is identical to the sequence listing in PDF format. ☐

10. Designation fees

All the contracting states party to the EPC at the time of filing of the international patent application and designated in the international application are deemed to be designated (see Article 79(1) EPC). ☒

AT BE BG CH&LI CY CZ DE DK EE ES FI FR GB GR HR HU IE IS IT LT LU LV MC MK MT NL NO PL PT RO SE SI SK TR

10.1 It is currently intended to pay fewer than seven designation fees, for the following contracting states: ☐

10.2 If contracting states are indicated in Section 10.1, it is agreed that for the contracting states not thus indicated no communication under Rule 112(1) EPC ☐

be issued and further processing be excluded.

11. Extension of the European patent

This application is deemed to be a request to extend the European patent application and the European patent granted in respect of it to all the non-contracting states to the EPC designated in the international application and with which extension agreements are in force on the date on which the international application is filed. However, the extension only takes effect if the prescribed extension fee is paid. ☐

It is currently intended to pay the extension fee for the following states:

Note: Under the automatic debiting procedure, extension fees will only be debited for states indicated here, unless the EPO is instructed otherwise before expiry of the period for payment.

12. List of enclosed documents

	Description of document	Original file name	Assigned file name
1	Combined Amendments	57950PCT-EP-Claims.pdf	AMSPECEPO-1.pdf

13. Mode of payment: Debit from deposit account ☒

Currency: EUR

The European Patent Office is hereby authorised, to debit from the deposit account with the EPO any fees and costs indicated on the fees page.

Deposit account number: 28001873

Account holder: Becker Kurig Straus, Patentanwälte

14. Any refunds should be made to the following EPO deposit account: ☐

15. Fees

		Factor/reduction applied	Fee schedule	Amount to be paid
15-1	002 Fee for a European search - Applications filed on/after 01.07.2005	0	1 105.00	0.00
15-2	005e Designation fee - For all contracting States designated for applications filed on/after 01.04.2009	1	525.00	525.00
15-3	006e Examination fee - For applications filed before 01.07.2005 and for international applications filed on/after 01.07.2005 without supplementary European search report	1	1 645.00	1 645.00
15-4	020 Filing fee - entry EP phase - online	1	105.00	105.00
15-5	520 Additional filing fee for the 36th and each subsequent page - entry into EP phase	33	13.00	429.00
	Total:		EUR	2 704.00

16. Annotations

17. Signature(s) of applicant(s) or representative

Place: Munich

Date: 23 November 2010

Signed by: /Dr. Alexander Straus/

Association: Becker Kurig Straus, Patentanwälte

Capacity: (Representative)

Table for section 6 of Form 1200.3

In accordance with the Notice from the European Patent Office dated 26 January 2009 concerning the 2009 fee structure (OJ EPO 2009, 118, and Guidelines for Examination in the EPO, April 2009, A-III, 13.2), the amount of the additional fee (Art. 2, item 1a, Rules relating to Fees) for the pages of this European patent application is calculated as follows:

Documents intended for proceedings before the EPO (R. 159 (1) (b) EPC) and for calculating the additional fee (Art. 2, item 1a, RFees):

		Page(s) from ... to ...	Number of pages
Description:	International application as published	1-45	45
Claims:	Amendments filed on entry into European phase	1-3	3
Drawings:	International application as published	1-19	19
Abstract:	Default count: one page		1
Total number of pages			68
Fee-exempt pages (Art. 2, item 1a, RFees)			-35
Number of pages to be paid for			33
			(x 13 EUR per page)
Total amount payable		EUR	429

EP 09 754 344.1
Applicant/Owner: Technion Research & Development Foundation Ltd.
Our Ref.: 57950 PCT/EP

CLAIMS

1. A system for detecting volatile organic compounds derived from a breath sample, the system comprising:

(a) an apparatus comprising an array of chemically sensitive sensors of single walled carbon nanotubes coated with non-polar small organic molecules; and

(b) a processing unit comprising a learning and pattern recognition analyzer wherein the learning and pattern recognition analyzer receives sensor output signals and compares them to stored data.

2. The system according to claim 1 further comprising a breath collector.

3. The system according to claim 2, wherein the breath collector comprises at least one of a unit for concentrating breath analytes and a dehumidifying unit.

4. The system according to claim 1, wherein the single walled carbon nanotubes are organized in a random network configuration.

5. The system according to claim 1, wherein the single walled carbon nanotubes have diameters ranging from about 0.9 nanometer to about 5 nanometers, and lengths ranging from about 1 micrometer to about 50 micrometers.

6. The system according to claim 1, wherein the non-polar small organic molecules comprise functional groups selected from unsubstituted or substituted alkyl, cycloalkyl, alkenyl, alkynyl, aryl, heterocyclyl, heteroaryl, alkylaryl, alkylalkenyl, alkylalkynyl, alkylcycloalkyl, alkylheterocyclyl and alkylheteroaryl groups; combinations and derivatives thereof.

7. The system according to claim 6, wherein the functional groups are substituted by at least one of a carboxyl, an acyl, an amido, an ester, a cyano, a nitro, an azido, a halogen, a hydroxy or a haloalkyl moiety.

8. The system according to claim 1, wherein the small organic molecules are selected from the group consisting of propyl gallate, anthracene, tetracosanoic acid, tricosane, 3-

methyl-2-phenyl valeric acid, tris(hydroxymethyl)nitro-methane, tetracosane, dioctyl phthalate, tetracosanoic acid, 1,2,5,6,9,10-hexabromo-cyclododecane, pentadecane, and combinations thereof.

9. The system according to claim 1, wherein the small organic molecules are hexa-peri-hexabenzocoronene (HBC) derivatives selected from the group consisting of HBC-C6,2, HBC-C10,6, HBC-C14,10, and HBC-C12.

10. The system according to claim 1, wherein the sensors are configured in a form selected from the group consisting of capacitive sensors, resistive sensors, impedance sensors, and field effect transistor sensors.

11. The system according to claim 1, wherein the learning and pattern recognition analyzer comprises at least one algorithm selected from the group consisting of artificial neural network algorithms, principal component analysis (PCA), multi-layer perception (MLP), generalized regression neural network (GRNN), fuzzy inference systems (FIS), self-organizing map (SOM), radial bias function (RBF), genetic algorithms (GAS), neuro-fuzzy systems (NFS), adaptive resonance theory (ART), partial least squares (PLS), multiple linear regression (MLR), principal component regression (PCR), discriminant function analysis (DFA), linear discriminant analysis (LDA), cluster analysis, and nearest neighbor, preferably wherein the at least one algorithm is principal component analysis (PCA).

12. A method of determining at least one of the composition and concentration of volatile organic compounds in a breath sample, comprising the steps of:

(a) providing a system according to any one of claims 1 to 11;

(b) exposing the sensor array of the apparatus to the sample; and

(c) using pattern recognition algorithms to detect the presence of the volatile organic compounds in the sample.

13. A method for diagnosing a disease from a breath sample of a subject, comprising:

(a) providing a system according to any one of claims 1 to 11;

(b) exposing the sensor array of the apparatus to the sample; and

(c) using pattern recognition algorithms to detect volatile organic compounds in the sample indicative of a disease in the subject.

14. The method according to claim 13, wherein the disease is selected from the group

consisting of cancer, arthritis, arthritic conditions, atherosclerosis, kidney diseases, type 2 diabetes, chronic obstructive pulmonary disease (COPD), age related macula degeneration (AMD), neurodegenerative diseases, Alzheimer's disease, Parkinson's disease and amyotrophic lateral sclerosis (ALS).

15. The method according to claim 14, wherein the disease is cancer selected from the group consisting of lung cancer, prostate cancer, breast cancer, skin cancer, colon cancer, pancreatic cancer, lymphoma, leukemia, head and neck cancer, kidney cancer, ovarian cancer, bone cancer, liver cancer and thyroid cancer, preferably wherein the disease is lung cancer.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,177	11/23/2010	Hossam Haick	0-10-210(TECH/012 US)	1305

42009 7590 03/15/2011
KEVIN D. MCCARTHY
ROACH BROWN MCCARTHY & GRUBER, P.C.
424 MAIN STREET
1920 LIBERTY BUILDING
BUFFALO, NY 14202

EXAMINER	
ART UNIT	PAPER NUMBER
3735	

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.

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KEVIN D. MCCARTHY
ROACH BROWN MCCARTHY & GRUBER, P.C.
424 MAIN STREET
1920 LIBERTY BUILDING
BUFFALO NY 14202

In re Application of	:
HAICK, HOSSAM et al	: DECISION ON REQUEST TO
Application No. 12/994,177	: PARTICIPATE IN PATENT
Filed: Nov. 23, 2010	: PROSECUTION HIGHWAY
Attorney Docket No 0-10-210(TECH/012 US)	: PILOT PROGRAM AND PETITION
For: CARBON NANOTUBE STRUCTURES IN	: TO MAKE SPECIAL UNDER
SENSOR APPARATUSES FOR ANALYZING	: 37 CFR 1.102(a)
BIOMARKERS IN BREATH SAMPLES	

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. 5, 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 Chuck Marmor, the SPE of Art Unit 3735 and (571)272-4730 for Class 600/532 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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CAHN & SAMUELS LLP
1100 17th STREET NW
SUITE 401
WASHINGTON DC 20036

MAILED
NOV 23 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
GROTHE, Sonja, et al.	:	
Application No.: 12/994,186	:	
PCT No.: PCT/EP2009/056585	:	
Int. Filing Date: 28 May 2009	:	
Priority Date: 02 June 2008	:	DECISION
Attorney Docket No.: 436N.0009	:	
For: PROCESS FOR THE PRODUCTION OF	:	
A STORAGE-STABLE BARIUM	:	
SULPHATE HAVING GOOD	:	
DISPERSIBILITY	:	

This is a decision on applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 23 September 2011.

BACKGROUND

On 23 September 2011, applicants filed a petition under 37 CFR 1.182 to correct the national phase data.

DISCUSSION

A filing under 35 USC 371 is the national phase entry of only one international application. Applicant indicates that this application was intended to be the national phase of PCT/EP2009/056585. The required petition fee has been paid. The indications in this application will be corrected to indicate that this is a national phase of PCT/EP2009/056585.

CONCLUSION

For the reasons discussed above, applicants' petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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:	TBA	Filing date:	Herewith
First Named Inventor:	Alan O'Shea		
Title of the Invention:	MASONRY SUPPORT SYSTEM AND METHOD		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/003430

The international date of the corresponding PCT application(s) is/are: 14 May 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ 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.:	TBA
First Named Inventor:	Alan O'Shea

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
24	2	Identical claims
40	2, 18	Claim 40 is a combination of PCT claims 2 and 18
41	19	Identical claims

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /David S. RESNICK, Reg. No. 34,235/	Date November 23, 2010
Name (Print/Typed) David S. RESNICK	Registration Number 34,235

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.
12/994,199	11/23/2010	Alan O'Shea	048262-069050-US	1403

50828 7590 02/10/2011
DAVID S. RESNICK
NIXON PEABODY LLP
100 SUMMER STREET
BOSTON, MA 02110-2131

EXAMINER

ART UNIT	PAPER NUMBER
3633	

MAIL DATE	DELIVERY MODE
02/10/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FEB 10 2011

DAVID S. RESNICK
NIXON PEABODY LLP
100 SUMMER STREET
BOSTON MA 02110-2131

In re application of O'Shea et al. Application No. 12/994,199 Filed: November 22, 2010 For: MASONRY SUPPORT SYSTEM AND 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 request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 23, 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.

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 23, 25 – 39, and 42 - 43 are not sufficiently correspond to the allowed claims in PCT/US2009/003430.
Note, in the "Claims Corresponding Table" applicant failed to recited the corresponding claims of the allowed claims in the PCT application (PCT/US2009/003430) for claims 23, 25 – 39 and 42 – 43 of the U.S. 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: 2/09/11

Atty. Docket No.: 048262-069050-US PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Alan O'Shea	Examiner:	TBA
Serial No.:	12/994,199		
Filed:	November 23, 2010	Group Art Unit:	3633
Entitled:	MASONRY SUPPORT SYSTEM AND METHOD		
		Conf. No.:	1403

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

In reply to the Decision on Request to Participate in Patent Prosecution Highway Pilot Program mailed on February 10, 2011, Applicants hereby submit the following:

1) **Second Preliminary Amendment (4 pp.); and**
2) **Corrected Request for Participation in PCT-PPH Pilot Program EPO/USPTO based on claim amendments submitted herewith (3 pp.).**

Applicants are of the belief that this submission should satisfy the requirements for participation in the Patent Prosecution Highway Pilot Program. Please do not hesitate to contact the undersigned should additional documentation be required.

AUTHORIZATION TO CHARGE/CREDIT DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge fee deficiencies or credit overpayments associated with the instant filing in above-referenced matter to NIXON PEABODY LLP Deposit Account No. 50-0850.

Date: March 10, 2011

Respectfully submitted,

/David S. Resnick/

Customer No.: 50828

David S. Resnick (Reg. No. 34,235)
Nixon Peabody LLP
(617) 345-6057
bostonpatent@nixonpeabody.com

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12994199	Filing date:	November 23, 2010
First Named Inventor:	Alan O'Shea		
Title of the Invention:	MASONRY SUPPORT SYSTEM AND METHOD		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/003430

The international date of the corresponding PCT application(s) is/are: 14 May 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/994,199
First Named Inventor:	Alan O'Shea

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 23, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 23, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
23	2	Combination of PCT claims 1 and 2 (allowable)
40	18	Combination of PCT claims 2 (allowable) and 18
41	19	Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /David S. RESNICK, Reg. No. 34,235/	Date March 10, 2011
Name (Print/Typed) David S. RESNICK	Registration Number 34,235

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.
12/994,199	11/23/2010	Alan O'Shea	048262-069050-US	1403

50828 7590 05/02/2011
DAVID S. RESNICK
NIXON PEABODY LLP
100 SUMMER STREET
BOSTON, MA 02110-2131

EXAMINER

ART UNIT	PAPER NUMBER
3633	

MAIL DATE	DELIVERY MODE
05/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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APR 29 2011

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DAVID S. RESNICK
NIXON PEABODY LLP
100 SUMMER STREET
BOSTON MA 02110-2131

In re application of	:	**DECISION ON REQUEST TO**
O'Shea et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/994,199	:	**PROSECUTION HIGHWAY**
Filed: November 23, 2010	:	**PROGRAM AND PETITION**
For: MASONRY SUPPORT SYSTEM	:	**TO MAKE SPECIAL UNDER**
AND METHOD	:	**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 March 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 disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of renewed petition, filed on March 10, 2011, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 04/29/11

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,237	11/23/2010	Zeljko Miskatovic	MISKZ41127	1686

21587 7590 03/25/2011
ALTMAN & MARTIN
6 BEACON ST, STE 600
BOSTON, MA 02108

EXAMINER
POON, PETER M

ART UNIT	PAPER NUMBER
3643	

MAIL DATE	DELIVERY MODE
03/25/2011	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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ALTMAN & MARTIN
6 BEACON ST, STE 600
BOSTON MA 02108

In re application of Zeljko Miskatovic Application No. 12/994,237 Filed: November 23, 2010 For: AUTOMATIC BITE INDICATOR FOR FISHING	: : : : : :	**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 February 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 DPMA;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the DPMA 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 DPMA application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the DPMA 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 DPMA examiner in the DPMA 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 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 JPO application(s); Claims 1-5 in the DPMA are not sufficiently corresponding to US claims 12 – 17.

For example, in the US claim 12, applicant recited: --(a) a bite indicator module having a housing with a top and a bottom at opposed ends of a longitudinal axis; and an electronic acceleration sensor arranged in the housing to register motions of the bite indicator, the acceleration sensor converting the motions into a suitable electronic signal; -- and – (f) an audio indicator and /or a visual indicator receiving said electronic signal; -- and – (g) whereby, when the fishing line slackens and sags downwardly as a result of a fish biting the bait, the bite indicator module pivots downwardly on said pivot arm approximately 90% about the pivot axis, causing the acceleration sensor to generate the electronic signal and the audio indicator and/or visual indicator to indicate a bite. --.
The above recitations are not sufficiently corresponding to the allowed claims 1 – 5 in the DPMA.

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: 03/24/11

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,237	11/23/2010	Zeljko Miskatovic	MISKZ41127	1686

21587 7590 04/27/2011
ALTMAN & MARTIN
6 BEACON ST, STE 600
BOSTON, MA 02108

EXAMINER
POON, PETER M

ART UNIT	PAPER NUMBER
3643	

MAIL DATE	DELIVERY MODE
04/27/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APR 27 2011

ALTMAN & MARTIN
6 BEACON ST, STE 600
BOSTON MA 02108

In re application of Zeljko Miskatovic Application No. 12/994,237 Filed: November 23, 2010 For: AUTOMATIC BITE INDICATOR FOR FISHING	: : : : : :	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 31, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the DPMA;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the DPMA 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 DPMA application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the DPMA 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 DPMA examiner in the DPMA Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of renewed petition, filed on March 31, 2011, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 4/26/11

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,240	11/23/2010	Yuuki Ogura	IWI-34183	1693

7609 7590 03/08/2011
RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted, OH 44070-2224

EXAMINER

ART UNIT	PAPER NUMBER
3776	

MAIL DATE	DELIVERY MODE
03/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted OH 44070-2224

In re Application of: OGURA, YUUKI et al Serial No.: 12/994,240 Filed: Nov. 23, 2010 Docket: IWI-34183 Title: PENCIL-FORM COSMETIC COMPOSITION AND COSMETIC PRODUCT THEREOF	::	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 7, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Currently, the application is undergoing pre-examination processing. Upon completion, 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 Todd Manahan, SPE of Art Unit 3776, and 571-272-4713 for Class 132/320 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,287	11/23/2010	Takao Yamaguchi	2010_1649A	2002

52349 7590 07/01/2011
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ART UNIT	PAPER NUMBER
2472	

NOTIFICATION DATE	DELIVERY MODE
07/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com
eoa@wenderoth.com

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www.uspto.gov

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of: YAMAGUCHI et al.
Application No. 12994287
Filed: November 23, 2010
For: BEST PATH SELECTING DEVICE, BEST PATH SELECTING 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 December 29, 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.
Accordingly, the Petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Kim Huynh at 571-272-4147.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist,
Technology Center 2400

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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SEP 30 2011

PCT LEGAL ADMINISTRATION

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
2200 Pennsylvania Avenue, N.W.
WASHINGTON DC 20037

In re Application of	:	
EUTEBACH	:	DECISION ON PETITION
U.S. Application No.: 12/994,317	:	
PCT No.: PCT/EP2009/056335	:	UNDER 37 CFR 1.55(C)
Int. Filing Date: 26 May 2009	:	
Priority Date: 25 May 2008	:	
Atty Docket No.: 60291.000096	:	
For: METHOD AND DEVICE FOR MONITORING	:	
A ROTATIONAL ANGLE SENSOR	:	

This is a decision on the petition under 37 CFR 1.55(c), filed 28 June 2011.

The petition is **DISMISSED**.

37 CFR 1.55(c) petitions are not applicable to U.S. national stage applications filed under 35 U.S.C. 371. 37 CFR 1.55(a)(1)(ii) provides, "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."

In addition, a foreign priority claim to German application number 102008024527.5 is improper as the present application was filed more than 12 months from the filing date of the German application. (See 35 U.S.C. 119(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.

Any questions concerning this matter may be directed to Derek A. Putonen at (571) 272-3294.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,380	11/23/2010	Yuji Ishii	SHIGA19.001APC	2714

20995 7590 05/12/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ART UNIT	PAPER NUMBER
3724	

NOTIFICATION DATE	DELIVERY MODE
05/12/2011	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: ISHII, YUJI et al Serial No.: 12/994,380 Filed: Nov. 23, 2010 Docket: SHIGA19.001APC Title: APPARATUS FOR CUTTING AND EJECTING NOODLES, AND NOODLE SCRAPER	:: :: : ::	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 11, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must 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 Boyer Ashley, SPE of Art Unit 3724 and 571-272-4502 for Class 30/299 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

United States Patent and Trademark Office

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Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

JAN 20 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
Paik et al.	:	
Application No.: 12/994,406	:	DECISION
PCT No.: PCT/KR2008/005762	:	
Int. Filing Date: 01 October 2008	:	
Priority Date: 14 March 2008	:	
Attorney Docket No.: 5934-0105PUS1	:	PETITION
For: Plasma Biomarker Tool For The Diagnosis of Liver	:	
Cancer Comprising Liver Carboxylesterase 1...	:	

The petition to revive under 37 CFR 1.137(b) filed on 23 November 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

The surcharge under 37 CFR 1.492(h) is being charged to Deposit Account 02-2448, per the authorization shown on the Electronic Acknowledgment Receipt dated 23 November 2010.

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **23 November 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283